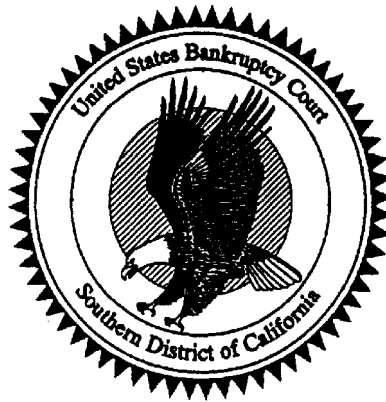


UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LOCAL RULES

including technical amendments  
and General Orders



Jacob Weinberger United States Courthouse  
325 West "F" Street  
San Diego, California 92101-6991

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April 28, 1996  
[Revised 3/26/99]



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE	)	
	)	
PROMULGATION OF	)	BANKRUPTCY GENERAL ORDER
BANKRUPTCY LOCAL RULES	)	NO. 96-2
	)	
	)	
	)	

Whereas, the period for public comment on the revised Local Rules occurred from August 3, 1995 through October 2, 1995, and

Pursuant to Bankruptcy Rule 9029 and General Order No. 352 of the United States District Court, delegating bankruptcy local rule promulgation to the Bankruptcy Court,

IT IS HEREBY ORDERED that the attached Local Rules of the United States Bankruptcy Court, Southern District of California, are adopted by the Court and shall become effective as to all cases filed or pending on or after April 28, 1996.

DATED: 23 APR 96

/s/Louise DeCarl Adler  
Louise DeCarl Adler, Chief Judge  
United States Bankruptcy Court

/s/James W. Meyers  
James W. Meyers, Judge  
United States Bankruptcy Court

/s/John J. Hargrove  
John J. Hargrove, Judge  
United States Bankruptcy Court

/s/Peter W. Bowie  
Peter W. Bowie, Judge  
United States Bankruptcy Court



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re	)	AMENDED
	)	BANKRUPTCY GENERAL ORDER
PROVISIONS FOR	)	
ELECTRONIC CASE FILING	)	NO. 162
	)	
	)	

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Federal Rule of Civil Procedure 83 and Federal Rule of Bankruptcy Procedure 5005(a)(2), 9011, 9029, and Local Bankruptcy Rule 9004, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means; and

A proposal for *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* (Local Form CSD 1800) and an *Electronic Filing Participant Guide* (collectively, the "Electronic Filing Procedures") have been reviewed by the court;

IT IS ORDERED that:

1. The *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* and the *Electronic Filing Participant Guide* establishing administrative procedures for signing, filing, and verifying documents by electronic means in this court, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers (collectively the "Electronic Filing Procedures") are hereby approved by the court.
2. The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b). The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an executed *DECLARATION RE: ELECTRONIC FILING, Local Form CSD 1801*, within 15 days of the electronic filing of the petition.
3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.
4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.
5. The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

6. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Fed. R. Bankr. P. 9021.

7.a. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

b. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with sub-paragraph (c) below.

c. If the recipient of notice or service is a registered participant in the Electronic Filing System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

8. Participation in the Electronic Filing System by receipt of a password from the Court, shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the Electronic Filing System, by receiving a password from the court, agree to receive notice and service by electronic means.

9. The original of this order shall be filed both in accordance with the Electronic Filing Procedures and conventionally with the Clerk of the Court.

~~10. Until further order, the provisions of this order shall apply only to chapter 7 cases (including adversary proceedings and contested matters in chapter 7 cases) filed on or after the effective date of this order. Amendments to this order may be entered from time to time in keeping with the needs of the court.~~

~~11.~~10. This AMENDED order shall take effect NUNC PRO TUNC to March 31, 1999.

/s/Louise DeCarl Adler  
LOUISE DeCARL ADLER  
Chief Judge, U.S. Bankruptcy Court

/s/ James W. Meyers  
JAMES W. MEYERS  
Judge, U.S. Bankruptcy Court

/s/ John J. Hargrove  
JOHN J. HARGROVE  
Judge, U.S. Bankruptcy Court

/s/ Peter W. Bowie  
PETER W. BOWIE  
Judge, U.S. Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
Southern District of California

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING  
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

**I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM**

A. DESIGNATION OF CASES. The court shall designate which cases shall be assigned to the Electronic Filing System ("System").

B. PASSWORDS. Each attorney admitted to practice in this court shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by Paragraph I.C.

C. REGISTRATION.

1. A registration form, in the form attached, shall be submitted for each attorney. The attached form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the Information Systems Manager.
3. Each attorney registering for the System will receive telephonic notice from the Office of the Clerk indicating that an envelope containing the attorney's assigned System password is available for pick-up at the Office of the Clerk. Only the attorney or an authorized representative may pick up the envelope. Out of state attorneys applying for registration may communicate with the Office of the Clerk to arrange for delivery of the system password.
4. Once registered, an attorney/participant may withdraw from participation in the System by providing the Clerk of Court, Chief Deputy Clerk or Systems Department with notice of such withdrawal. Such notice must be in writing. Upon receipt, the Office of the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list.

**II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

A. FILING.

1. Except as expressly provided in Paragraph III.A below and in exceptional circumstances which prevent an attorney/participant from filing

electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the court in connection with a case assigned to the System shall be electronically filed on the System. Notwithstanding the foregoing, parties and attorneys who are not participants in the System are not required to electronically file pleadings and other papers in a case assigned to the System.

2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number; e.g., the motion and a supporting affidavit, with the exception of a memorandum of law. A memorandum of law shall be filed separately and shown as a related document to the motion.
3. Emergency motions, supporting pleadings and objections shall be filed electronically as provided in these *Administrative Procedures*. The party filing the motion shall advise the judge's law clerk of the filing by phone.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.
2. The filing party shall serve the pleading or other paper upon all person entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with Paragraph II.B.3 below.
3. If the recipient of notice or service is a registered participant in the Electronic Filing System, service of the Notice of Electronic Filing by electronic means shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. SIGNATURES; AFFIDAVITS OF SERVICE.

1. Petitions, lists, schedules and statements requiring the signature of the debtor(s) shall be filed electronically with an originally executed *DECLARATION RE: ELECTRONIC FILING, Local Form CSD 1801*, filed with the court within 15 days of the electronic filing of the petition.
2. Amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less



than the maximum allowable time to complete the appellate process. Upon request, the original document must be provided to other parties or the court for review. The pleading or other document electronically filed shall indicate a signature; e.g., "/s/ Jane Doe."

D. FEES PAYABLE TO THE CLERK. For filings that require a fee, application for authorization of credit card payment shall be made with the Financial Administrator of the Office of the Clerk.

E. ORDERS. All orders will be submitted to the court conventionally at this time. It is anticipated that orders will be submitted through the System in the future. At that time, these procedures will be amended to reflect the change.

F. TITLE OF DOCKET ENTRIES. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the *Electronic Filing Participant Guide*.

### III. CONVENTIONAL FILING OF DOCUMENTS

A. CONVENTIONAL FILINGS. The following documents shall be filed conventionally and not electronically unless specifically authorized by the court:

1. Documents to be Filed under Seal. A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Office of the Clerk.
2. Exhibits. Exhibits, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be filed conventionally with a copy of the Notice of Electronic Filing to indicate the referenced document. Wherever possible, however, such documents, or the relevant portions thereof, should be electronically imaged (i.e., "scanned") and filed using the Portable Document Format (PDF).
3. Proofs of Claim.

B. SERVICE OF CONVENTIONAL OR 3.5 INCH FLOPPY DISK FILINGS. Pleadings or other documents which are filed conventionally or on a 3.5 inch floppy disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

#### IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. INTERNET ACCESS WITHOUT A PASSWORD. Any person or organization other than those referred to in Paragraph I.B may access the System at the court's Internet site at *www.casb.uscourts.gov* to review documents. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis.

B. PUBLIC ACCESS AT THE COURT. The public will have electronic access to the electronic docket and documents filed in the System at the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, 325 West "F" Street., San Diego, California 92101-6991. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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**RULE 1001. TITLE; SCOPE OF RULES; DEFINITIONS**

**1001-1. TITLE AND CITATION.**

The following rules are adopted as Local Bankruptcy Rules to govern the practice before the court until further order and shall be cited as "Local Bankruptcy Rules" or "LBR" to distinguish them from the "Local District Court Rules" which should be cited as "LDR."

**1001-2. SCOPE AND EFFECTIVE DATE OF RULES.**

(a) These rules supplement the Federal Rules of Bankruptcy Procedure [cited as *Fed. R. Bankr. P.*] and the Federal Rules of Civil Procedure [cited as *Fed. R. Civ. P.*].

(b) These rules become effective April 28, 1996, and shall govern all actions and proceedings pending or commenced on or after that date.

(c) These rules may be amended subsequent to their effective date by "General Order" of the court. Such General Orders will be captioned "General Order No. \_\_\_\_ Amending Local Bankruptcy Rule \_\_\_\_" and shall be posted at the court and may be obtained from the clerk.

(d) **COMPLIANCE WITH RULES.** Unrepresented parties are bound by these rules and any reference in these rules to "attorney" or "counsel" applies to those parties unless the context otherwise provides.

**1001-3. ADOPTION OF CERTAIN LOCAL RULES OF THE UNITED STATES DISTRICT COURT.**

The provisions of the Local United States District Court Rules are applicable to proceedings in the United States Bankruptcy Court to the extent they are consistent with these Local Bankruptcy Rules, the *Fed. R. Bankr. P.*, and Title 11 of the United States Code. A cross-reference table to the Local Rules of the United States District Court is set forth in Appendix B.

**1001-4. DEFINITIONS.**

The definitions set forth in 11 U.S.C. §§ 101 and 102 and *Fed. R. Bankr. P.* 9001 and 9002 shall apply to these Local Rules. Except when a matter is pending before the district court, the references in the Local United States District Court Rules to "court," "judge" and "clerk" shall be read as the "United States Bankruptcy Court," "bankruptcy judge" and "clerk of the United States Bankruptcy Court," respectively.

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**1001-5. SANCTIONS FOR NON-COMPLIANCE.**

Failure of counsel to comply with these rules, or with any order of the court, may be grounds for imposition by the court of any and all sanctions authorized by statute or rule or within the inherent power of the court, including, without limitation, dismissal of any actions, entry of default, findings of contempt, imposition of monetary sanctions or attorneys' fees and costs, and other sanctions.

**RULE 1002. COMMENCEMENT OF CASE**

**1002-1. PERSONS APPEARING WITHOUT AN ATTORNEY.**

(a) **CORPORATIONS AND UNINCORPORATED ASSOCIATIONS.** Corporations, unincorporated associations and partnerships may not file a petition or otherwise appear except through an attorney in any case or proceeding, except for filing a proof of claim or a reaffirmation agreement. Such a proof of claim or reaffirmation agreement must be signed by an officer of the corporation, partner of the partnership, or member of the unincorporated association.

(b) **INDIVIDUALS.** Any person representing himself or herself without an attorney must appear personally for such purpose. The representation may not be delegated to any other person, including a spouse or relative, nor to any other party.

[The Next Rule is 1006]

**RULE 1006. FILING FEE AND SPECIAL CHARGES**

**1006-1. METHOD OF PAYMENT.**

The filing fee tendered by or on behalf of the debtor shall be in the form of a cashier's check, money order, or check of the attorney for the debtor, or may be in cash, if the petition is presented in person. Personal checks of the debtor shall not be accepted. The clerk's office shall not be responsible for cash sent through the mail.

**1006-2. APPROVAL OF INSTALLMENT FEES.**

The clerk shall have authority to grant an individual debtor's application to pay the filing fee in installments for a period not to exceed 120 days after the filing of the petition. Any application to extend the time for paying the fee beyond the 120-day period shall be granted only by the court.



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**1006-3. DISHONORED CHECKS.**

(a) All cashier's checks, money orders, drafts, and personal checks tendered in payment of filing fees and special charges shall be accepted by the clerk subject to collection and full credit only when the check or draft has been accepted by the financial institution on which it is drawn. A service charge will be collected for any checks or drafts returned for lack of funds.

(b) If more than one check or draft issued by the same entity is returned by the depository upon which drawn for insufficient funds, the clerk shall accept only cash, a cashier's check or money order from that entity, except for good cause shown.

**1006-4. SCHEDULE OF FEES AND SPECIAL CHARGES.**

A schedule of fees and special charges collectible by the clerk is attached as Appendix A.

**RULE 1007. SPECIAL REQUIREMENTS FOR LISTS AND  
SCHEDULES OF LIABILITIES AND  
EQUITY SECURITY HOLDERS**

**1007-1. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES.**

The court's automated noticing system has special requirements for the submission of names and addresses for creditors and other parties in interest. The debtor is required to obtain from the clerk (and fully comply with the specifications set forth in) the most current version of the court document entitled *SPECIAL REQUIREMENTS FOR MAILING ADDRESSES*, Local Form CSD 1007.

**1007-2. ASSEMBLY OF PAPERS FOR FILING; NUMBER OF COPIES.**

(a) **ASSEMBLY OF PAPERS.** The original papers and copies thereof required by subsection (b) of this Rule shall be assembled into separate sets. All papers submitted to the court shall be flat and unfolded, except as necessary for presentation of exhibits. Each set of papers shall be pre-punched with two normal-size holes (approximately 1/4" diameter), centered 2-3/4 inches apart, 1/2 to 5/8 inches from the top edge of the paper. All pages shall be firmly bound at the top left corner. Assembly sequence for papers is from top to bottom:

- (1) Local Form CSD 1006 entitled "Application to Pay Filing Fees in Installments and Order" (not required if filing fee paid in full when filing petition).

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- (2) Petition.
- (3) Exhibit "A": Corporate Statement (Corporate Filings Only - see Official Bankruptcy Form BlXA).
- (4) List containing names and addresses of creditors (not required if Schedules filed with Petition);
- (5) Summary of Schedules;
- (6) Schedules A-J;
- (7) Statement of Financial Affairs;
- (8) List of equity security holders (chapter 11 cases only);
- (9) List of 20 largest unsecured creditors, exclusive of insiders (chapter 11 cases only);
- (10) Chapter 13 Plan, if filed with petition;
- (11) Attorney Fee Disclosure Statement required by Fed. R. Bankr. P. 2016(b), if filed with petition;
- (12) Statement of Intention required by Fed. R. Bankr. P. 1007(b)(2) [see Official Bankruptcy Form 8], if filed with petition (only in chapter 7 cases for individual debtors);
- (13) One copy of any address matrices containing the names and addresses of creditors and other parties in interest submitted pursuant to Local Bankruptcy Rule 1007-1.

(b) **NUMBER OF COPIES.** The court requires that the original petition and all attachments be accompanied by additional copies. The number of required copies includes a copy to be conformed with the clerk's filing stamp and returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n). Number of copies required:

- (1) Chapter 7, 11, and 12 Cases - the original and three (3) copies.
- (2) Chapter 13 Cases - the original and two (2) copies.

(c) **DEFERRED FILING OF STATEMENTS, LISTS AND SCHEDULES.** Upon the filing of any statements, schedules and/or chapter 13 plan not previously filed with the petition, the court requires two (2) copies. The original and required copies of the papers shall be filed with the clerk, together with proof of service showing compliance

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with Local Bankruptcy Rule 1007-4. One copy of the same will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

**1007-3. EXTENSION OF TIME; REQUIRED NOTICE.**

Service on the United States Trustee of a motion for extension of time for filing schedules and statements in chapter 7, 11, and 12 cases is governed by Local Bankruptcy Rule 9034-1 and, in chapter 13 cases, by Local Rule 9034-2. In addition, a copy of the motion shall be served on the trustee, if any, in chapter 7, 11, and 12 cases.

**1007-4. REQUIRED NOTICE WHEN SCHEDULES ARE FILED AFTER THE DATE THE PETITION IS FILED.**

Before filing with the clerk any lists, statements and/or schedules that were not filed at the time the petition was filed, the debtor shall:

(a) serve a copy of these papers on the United States Trustee, any interim trustee, trustee and each member of any committee appointed in the case; and

(b) give notice of the date of filing the petition to any entity who was not named in the original lists, schedules and statements filed at the commencement of the case. If applicable, the notice shall be accompanied by:

- (1) a copy of the "Order for and Notice of Section 341(a) Meeting"; and
- (2) any "Discharge of Debt" or "Notice of Order Confirming Plan"; and
- (3) in a chapter 13 case, a claim form and the date, time and location of any pending Section 341(a) meeting or confirmation hearing currently scheduled; and

(c) attach to the papers filed with the court a proof of service showing compliance with this rule; and

(d) in a chapter 7, 11, or 12 case, when noticing any entity not previously named in the original mailing matrix, comply with Local Bankruptcy Rule 1007-1.

**1007-5. CONSUMER DEBTS SECURED BY PROPERTY OF THE ESTATE.**

If the trustee claims no interest in property listed in the Statement of Intention filed by an individual debtor, it shall not be the responsibility of the trustee to effect compliance of the debtor with 11 U.S.C. § 521(2)(B).

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[The Next Rule is 1009]

**RULE 1009. AMENDMENT OF LISTS AND SCHEDULES;  
FILING FEES; NOTICE; PROOF OF SERVICE.**

**1009-1. APPLICABILITY OF RULE.**

This rule applies to all cases in which the lists, schedules and statements required by Fed. R. Bankr. P. 1007 are amended post petition.

**1009-2. AMENDMENT; NOTICE.**

Any amendment filed shall substantially conform to Local Form CSD 1100, *AMENDMENT*. Service shall be made in the manner required by Local Bankruptcy Rule 1007-4 and shall substantially conform to Local Form CSD 1101, *NOTICE TO CREDITORS OF THE ABOVE-NAMED DEBTOR ADDED BY AMENDMENT*.

**1009-3. NUMBER OF COPIES.**

The original and two (2) copies of the amendments shall be filed with the clerk, together with proof of service showing compliance with Local Bankruptcy Rule 1007-4. One copy will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

**1009-4. SPECIAL REQUIREMENTS FOR MAILING ADDRESSES.**

The debtor must comply with Local Bankruptcy Rule 1007-1 when filing amendments to the schedule of liabilities.

[The Next Rule is 1014]

**RULE 1014. MOTION TO CHANGE VENUE**

A motion to change venue under 28 U.S.C. § 1412 is filed with the bankruptcy court clerk. The motion is governed by Local Bankruptcy Rule 9014 and is to be calendared for hearing before the bankruptcy judge.

**RULE 1015. JOINT ADMINISTRATION OF CASES**

**1015-1. JOINT PETITIONS.**

The estates of debtors filing a joint petition shall be jointly administered without further court order.

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**1015-2. RELATED CASES.**

(a) **NOTICE OF RELATED CASES.** If a case, other than a chapter 13 case, is related to a case that is pending or was pending within three (3) years of the filing of the later petition, the petitioner shall file a Notice of Related Case(s) setting forth the title, number and filing date of the related case, together with a brief statement of the manner in which the cases are related. The Notice of Related Case(s) shall also be served upon the United States Trustee.

(b) **CASES DEEMED RELATED.** A case is deemed related to another case if:

- (1) the debtors in both cases are the same entity as that term is defined at 11 U.S.C. § 101(15);
- (2) the debtors in both cases are spouses or former spouses;
- (3) the debtors in both cases are partners;
- (4) the debtor in one case is a general partner of the debtor in the other case;
- (5) the debtor in one case is an "affiliate," as that term is defined at 11 U.S.C. § 101(2), of the debtor in the other case;
- (6) the debtors are corporations and have one or more common shareholder which owns twenty percent (20%) or more of each corporation;
- (7) the debtors are partnerships and have one or more common general partner;
- (8) the debtor in one case has, or within 180 days of the commencement of either of the related cases had, an interest in property that as or is included in the property of the other estate under 11 U.S.C. § 540 (a); or
- (9) the cases are otherwise so related as to warrant being treated as related to promote efficient administration of the estates.

(c) **ASSIGNMENT TO JUDGES.** The clerk, whenever apprised of related cases, shall cause the subsequent case to be assigned or reassigned to the judge to whom the prior case was assigned, unless the court orders otherwise. Related cases filed simultaneously shall be assigned to one judge.

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[The Next Rule is 1017]

**RULE 1017. MOTION FOR DISMISSAL OR  
CONVERSION OF CASE**

**1017-1. REQUIRED NOTICE.**

(a) A motion by the United States Trustee or a trustee to dismiss a case shall be noticed in accordance with Local Bankruptcy Rule 2002-2.

(b) A motion to dismiss or convert a case, which is filed by a party in interest other than the debtor, United States Trustee or trustee, shall be noticed by the moving party in accordance with Local Bankruptcy Rule 2002-3.

(c) A motion by the debtor to dismiss or convert a case is controlled by Local Bankruptcy Rule 1017-2.

**1017-2. MOTION BY DEBTOR TO DISMISS OR CONVERT CASE; NOTICE TO  
UNITED STATES TRUSTEE AND TRUSTEE .**

(a) **CHAPTER 7 OR 11 CASE.**

(1) **MOTION TO CONVERT.** A motion by the debtor to convert a chapter 7 or 11 case to another chapter shall be accompanied by the appropriate filing fee and a proposed order using the applicable Local Form: *ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 11* [CSD 1105]; *ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 12* [CSD 1106]; *ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 13* [CSD 1107]; *ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7* [CSD 1108]; or *ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 12* [CSD 1109].

(2) **SERVICE ON CHAPTER 7 OR 11 TRUSTEE.** A copy of the motion to convert and proposed order shall be served on any chapter 7 or 11 trustee appointed in the case.

(b) **CHAPTER 13 CASE.**

(1) **REQUESTS FOR DISMISSAL.** A request by the debtor to dismiss a chapter 13 case under 11 U.S.C. § 1307(b) shall be accompanied by a proposed order. The request and order shall substantially conform to Local Form CSD 1174, *REQUEST BY DEBTOR FOR DISMISSAL OF CHAPTER 13 AND ORDER*.

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- (2) **NOTICE OF CONVERSION.** A notice by the debtor of the conversion of a chapter 13 case to a case under chapter 7 shall be presented on Local Form CSD 1129, *NOTICE OF CONVERSION OF CASE UNDER CHAPTER 13 TO A CASE UNDER CHAPTER 7 BY DEBTOR* together with the appropriate filing fee.
- (3) **SPECIAL REQUIREMENTS.** A chapter 13 debtor seeking conversion shall file with the notice of conversion:
  - (A) the schedules and statements listed in Fed. R. Bankr. P. 1007(b)(1); and
  - (B) a separate schedule listing the names and addresses of any creditors who are entitled to assert claims against the debtor or the estate under Fed. R. Bankr. P. 1019(5) and 11 U.S.C. § 348(d).
- (4) **NUMBER OF COPIES.** The original and additional copies of the notice of conversion or request to dismiss and all attachments shall be filed with the clerk, together with proof of service showing compliance with subsection (6) below. One copy will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n). Number of copies required:
  - (A) request to dismiss and proposed order - the original and two (2) copies.
  - (B) notice of conversion together with the additional papers required by subsection (b)(3) above - the original and three (3) copies.
- (5) **SERVICE ON CHAPTER 13 TRUSTEE.** The notice of conversion or request to dismiss and any additional documents shall be served on the chapter 13 trustee.
- (6) **PROOF OF SERVICE.** Proof of service showing compliance with this rule and Local Bankruptcy Rule 9006-3 shall be attached to the original documents.

[The Next Rule is 1019]

**RULE 1019. DUTY OF DEBTOR-IN-POSSESSION OR TRUSTEE  
TO FILE REPORTS IN CHAPTER 11 OR 12 CASE  
CONVERTED TO CHAPTER 7**

**1019-1. REQUIRED REPORTS.**

Upon entry of an order converting a case to chapter 7, the debtor or chapter 11 or 12 trustee shall:

(a) secure, preserve, and refrain from disposing of property of the estate;

(b) contact the chapter 7 trustee and arrange to deliver property of the estate and all books and records to the trustee or the trustee's designated agent; and

(c) within five (5) days after entry of the order for relief, file with the clerk and serve upon the United States Trustee and trustee, if appointed, a verified schedule of all property of the estate as of the date of conversion.

**1019-2. PROOF OF SERVICE.**

Proof of service showing compliance with this rule and Local Bankruptcy Rule 9006-3 shall be attached to the original documents.

[The Next Rule is 2002]

**RULE 2002. NOTICES TO CREDITORS, EQUITY SECURITY  
HOLDERS, AND THE UNITED STATES**

**2002-1. APPLICABILITY OF RULE; NOTICES TO ALL CREDITORS AND  
PARTIES IN INTEREST.**

(a) **APPLICABILITY OF RULE.** This rule clarifies when and how a notice of intended action or a notice of hearing shall be used.

(b) **28-DAY NOTICE.** The notices required by Fed. R. Bankr. P. 2002(a)(2), (3), (5), (6), (7) and (8), and (b)(2) and (d) (1-4) and (7) and Local Bankruptcy Rule 2002-2(a), including notice of the opportunity to object to confirmation of a chapter 13 plan, shall be given at least twenty-eight (28) days before the occurrence of the intended action or hearing, unless the court directs otherwise.

(c) **39-DAY NOTICE (DISCLOSURE STATEMENTS AND PLAN CONFIRMATIONS).** The notice to all creditors, parties in interest and equity security holders of a hearing to consider approval of a disclosure statement, confirmation of a plan in other than chapter 13 cases, or the



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post-confirmation modification of a chapter 13 plan, required by Fed. R. Bankr. P. 2002(a)(5), Fed. R. Bankr. P. 2002(b) and (d)(5-7), shall be given by the proponent at least thirty-nine (39) days before the hearing, unless the court directs otherwise.

(d) **NOTICE BY CHAPTER 7 TRUSTEE.** In cases where the estate has less than \$1,000 in cash, and unless the court directs otherwise, the clerk shall mail any notices required to be mailed to all creditors by the chapter 7 trustee.

(e) **NOTICE OF § 341(A) MEETING BY CHAPTER 11 OR 12 DEBTOR.**

- (1) **NOTICE TO CREDITORS.** When there are 1,000 or more creditors in a chapter 11 or 12 case, the debtor shall mail the notice of § 341(a) meeting required by Fed. R. Bankr. P. 2002(a)(1). The notice shall be in the format provided by the clerk.
- (2) **NOTICE TO EQUITY SECURITY HOLDERS.** The debtor shall mail notice of the order for relief and any other notices required by Fed. R. Bankr. P. 2002(d).

(f) **FILING OF PAPERS WITH CLERK.** The motion and notice together with proof of service showing compliance with this rule, must be filed with the clerk no later than the next business day following the date of service.

**2002-2. NOTICES OF INTENDED ACTION.**

(a) Notices of intended action shall be used in the following circumstances unless otherwise permitted in subsection (g):

- (1) A motion by United States Trustee or trustee for dismissal of a chapter 7, 11, 12, or 13 case based on the failure of the debtor to file the schedules and statements required by Fed. R. Bankr. P. 1007 or to attend the § 341(a) meeting of creditors. The noticing requirements of Fed. R. Bankr. P. 2002 and this subsection are satisfied by including the notice of intended action within the § 341(a) meeting notice;
- (2) intended use, sale or lease of property other than in the ordinary course of business as governed by Fed. R. Bankr. P. 6004 and Local Bankruptcy Rule 6004;
- (3) intended abandonment of property by the debtor or trustee as governed by Fed. R. Bankr. P. 6007 and Local Bankruptcy Rule 6007;

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- (4) intended compromise or settlement of controversy by the debtor or trustee as governed by Fed. R. Bankr. P. 9019 and Local Bankruptcy Rule 9019;
- (5) allowance of compensation or other remuneration to the debtor or insiders as provided by Local Bankruptcy Rule 4002-2;
- (6) applications for compensation, commissions or expenses of auctioneers, appraisers or brokers to the extent the aggregate compensation and expenses exceed \$500 as governed by Fed. R. Bankr. P. 2002(a)(7);
- (7) application for compensation or reimbursement of expenses from the estate when the application is that of the trustee only;
- (8) all other matters where the court or Fed. R. Bankr. P. so direct.

(b) Notices of intended action may not be used for motions to dismiss, motions to convert, motions for compensation of professionals other than auctioneers, appraisers, or real estate brokers, or motions to extend time within which to object to the discharge under § 727 or object to the dischargeability of a debt under § 523 and any other actions described in Local Bankruptcy Rule 2002-3.

(c) Any notice of intent given under this section shall be prepared and served by the entity proposing the action and must substantially conform to Local Form CSD 1180, *NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING*.

(d) Each party opposing an intended action shall serve that opposition and Local Form CSD 1184, *REQUEST AND NOTICE FOR HEARING*, not less than twenty-eight (28) days after service of the notice of intended action, if personally served. If served by mail, the party opposing shall have thirty-one (31) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f).

(e) If the response period expires without the service of any response and a request for hearing, the moving party shall promptly file a proposed order and comply with Local Bankruptcy Rule 9013-7.

(f) Unless otherwise ordered by the court for cause, the filing of a timely objection to a proposed action shall automatically stay the proposed action until after the hearing.

(g) Upon the affirmative representation of counsel for the movant that substantive opposition is reasonably anticipated, a

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hearing date may be obtained from the courtroom deputy and the movant may proceed pursuant to Local Bankruptcy Rule 9014.

**2002-3. NOTICES OF HEARING.**

(a) Except as provided in Local Bankruptcy Rule 2002-2(a), notices of hearing in accordance with Fed. R. Bankr. P. 9014 must be given to all creditors and parties in interest in the following circumstances together with such additional information as noted herein:

- (1) motion for conversion of chapter 7, 11, or 12 case, by other than the debtor, as provided by Fed. R. Bankr. P. 1017 and Local Bankruptcy Rule 1017;
- (2) motion for dismissal of a case, except as otherwise provided in Local Bankruptcy Rule 2002-2(a)(1);
- (3) motion for approval of chapter 11 disclosure statement, together with such papers as required by Fed. R. Bankr. P. 3017(a);
- (4) motion for confirmation of chapter 11 plan, together with such papers as required by Fed. R. Bankr. P. 3017(d);
- (5) motion for modification of chapter 9 or 11 plan, together with such papers as required by Fed. R. Bankr. P. 3019;
- (6) motion for modification of chapter 12 or 13 plan, together with such papers as required by Fed. R. Bankr. P. 3015. Creditors who are not adversely affected are not required to be given notice unless the court orders otherwise;
- (7) application for allowance of compensation or reimbursement of expenses in excess of \$500 as provided by Fed. R. Bankr. P. 2002(a)(7) and 2016 and Local Bankruptcy Rule 2016, except as otherwise provided in Local Bankruptcy Rule 2014-2(b);
- (8) motion to appoint a trustee or examiner in a chapter 11 case; and
- (9) all other matters where the court or Fed. R. Bankr. P. so direct.

(b) Prior to giving notice of a hearing, the moving party shall obtain a hearing date from the courtroom deputy. Any notice of hearing given under this section shall substantially conform to:

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- (1) Local Form CSD 1181, *NOTICE OF MOTION AND HEARING*; or
- (2) if the notice relates to a hearing on a chapter 11 plan or disclosure statement or modification of a chapter 13 plan after confirmation, Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN*.

**2002-4. NOTICING PROCEDURE; MAILING LISTS.**

(a) **SERVICE OF MOTION AND NOTICE.** The moving party shall serve a copy of the moving papers, if required by Local Bankruptcy Rule 9013 or 9014, and the form of notice required by Local Bankruptcy Rule 2002-2 or 2002-3 on the debtor, the debtor's attorney of record, any trustee and/or committee and their attorney, all creditors, and parties requesting special notice. A copy of any required moving papers and all notices shall also be mailed to:

United States Trustee  
United States Department of Justice  
402 West Broadway, Suite 600  
San Diego, CA 92101

(b) **SERVICE OF NOTICE.** The person responsible for giving notice under Local Bankruptcy Rule 2002-1 shall mail a copy of the notice required by Local Bankruptcy Rule 2002-2 or 2002-3 without the moving papers to all creditors and indenture trustees and, if applicable, equity security creditors whose names and addresses appear in the case records. In a chapter 11 case, a copy of the notice shall also be mailed to:

Chief, Special Procedures  
Section - Insolvency  
Internal Revenue Service  
P. O. Box 30213  
Laguna Niguel, CA 92607-0213

and, if the chapter 11 debtor is a corporation, also to:

United States Securities and Exchange Commission  
5670 Wilshire Blvd., 11th Floor  
Los Angeles, California 90036

(c) **LISTING THE UNITED STATES AS A CREDITOR; NOTICE TO THE UNITED STATES.** When listing an indebtedness to the United States for other than taxes and when giving notice, as required by Fed. R. Bankr. P. 2002(j)(4), the debtor shall list and notice BOTH the United States Attorney for this district and the federal agency or other federal component through which the debtor became indebted. The address of the notice to the United States Attorney shall include, in parenthesis, the name of the federal agency or other component. For example:

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United States Attorney  
for the Southern District of California  
(For the Department of Energy)  
940 Front Street, Room 5152  
San Diego, CA 92101-8800

The notice shall also be sent directly to the component agency.  
For example:

Department of Energy  
Street Address  
City, State ZIP

(d) **MAILING LIST.** To facilitate giving the notices required by this rule, upon advance request of not less than seven (7) business days and payment of the requisite cost, the clerk shall furnish a mailing list, provided the clerk has the information readily available to produce such a list.

[The Next Rule is 2004]

**RULE 2004. EXAMINATION OF AN ENTITY**

**2004-1. NOTICE.**

(a) **ATTORNEY'S DUTY TO STIPULATE.** Attorneys will make every reasonable effort to stipulate to the exact times and places for the commencement and resumption of all examinations under Fed. R. Bankr. P. 2004.

(b) **FORM.** The party requesting an examination under Fed. R. Bankr. P. 2004 shall utilize Local Form CSD 1050, *SUBPOENA FOR RULE 2004 EXAMINATION*.

(c) **ORDER FOR EXAMINATION.** An order for examination under Fed. R. Bankr. P. 2004 shall require a minimum of twenty-eight (28) days' notice from the date of service of the court's order, unless otherwise agreed by the parties or ordered by the court.

(d) **EMERGENCY MOTION.** The party whose examination is required or other interested party may file an emergency motion for a protective order if grounds exist under Fed. R. Civ. P. 26(c).

[The Next Rule is 2014]

**RULE 2014. EMPLOYMENT OF PROFESSIONALS**

**2014-1. APPLICATION TO EMPLOY PROFESSIONAL.**

(a) **COUNSEL FOR CHAPTER 11 AND 12 DEBTORS.** Debtors in chapter 11 or 12 cases who are to be represented by counsel shall submit an

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application to retain such counsel or to substitute counsel in accordance with Fed. R. Bankr. P. 2014(a), together with a declaration of the attorney and the proposed order.

(b) **OTHER PROFESSIONALS.** The application for employment of other professionals, including employment of an agent or broker for the sale or lease of estate property or a professional manager or management corporation, shall conform to Fed. R. Bankr. P. 2014(a).

(c) **DISCLOSURE STATEMENT.** Any applications to employ professionals shall include a copy of the Fed. R. Bankr. P. 2016(b) disclosure statement, if applicable, and a copy of any retainer agreement, guarantee, or security agreement.

(d) **NOTICE TO AND STATEMENT OF UNITED STATES TRUSTEE.** Service on the United States Trustee of the application to employ counsel or other professionals including appraisers, auctioneers, agents, and brokers by a debtor-in-possession or trustee is governed by Local Bankruptcy Rule 9034-1.

**2014-2. CONTRACT FOR EMPLOYMENT OF AGENTS AND BROKERS.**

(a) All applications for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. All contracts for employment shall provide that they are effective only upon court approval. All contracts for employment shall be for a term not to exceed one hundred eighty (180) days unless otherwise ordered by the court.

(b) To the extent the aggregate compensation and expenses of the agent or broker exceed \$500, a trustee or debtor-in-possession shall give the notice required by Local Bankruptcy Rule 2002-2. Otherwise, the compensation and expenses may be paid without further notice, subject to final review pursuant to 11 U.S.C. § 330.

**RULE 2015. DUTY TO KEEP RECORDS AND MAKE REPORTS**

**2015-1. DUTY TO MAKE REPORTS.**

A debtor's responsibility to prepare, file or serve reports shall be the obligation of the following person(s):

(a) if the debtor is a corporation, both the chief executive officer of the debtor and the chief financial officer of the debtor;

(b) if the debtor is a partnership, each general partner;

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(c) the person who executed the chapter 11 petition on behalf of the debtor; and

(d) the person who executed the last operating report submitted at or prior to the hearing at which the court ruled that a chapter 11 trustee should be appointed.

**2015-2. PAYMENT OF ROUTINE EXPENSES.**

The trustee or debtor-in-possession is authorized, without notice or order of the court, to pay appropriate routine administrative expenses up to an aggregate of \$500. These expenses include but are not limited to expenses for adjuster services, insuring property and changing locks. Any such payments are subject to final review pursuant to 11 U.S.C. § 330.

**RULE 2016. COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES**

**2016-1. CASE WITH MULTIPLE PROFESSIONALS.**

In a case with multiple professionals, the debtor or the debtor's counsel, if the debtor is in possession, or the trustee or the trustee's counsel shall coordinate the mailing of one notice of hearing regarding interim and final applications for compensation for all professionals employed by the estate. Local Bankruptcy Rule 2002-3 governs the form of notice.

**2016-2. APPLICATION FOR ALLOWANCE OF COMPENSATION AND EXPENSES  
FOR PROFESSIONAL PERSONS.**

(a) Applications for allowance of compensation and expenses for professional persons shall conform with Fed. R. Bankr. P. 2016. Reference should also be made to the most current guidelines of the Office of the United States Trustee for Region XV.

(b) Unless otherwise ordered by the court and except as otherwise set forth in subsection (d) below, all applications for professional fees shall comply with the United States Trustee *Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses* filed under 11 U.S.C. § 330 with categorized listings of services rendered attached as an exhibit to the application. In addition, all fee applications shall be accompanied by an analysis that substantially conforms to Local Form CSD 1143, *FEE APPLICATION SUMMARY (EXHIBIT "A")*.

(c) The initial fee application must include the date of entry of the order authorizing employment and the effective date of the order.

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(d) Local Bankruptcy Rule 2016-2(b) shall not apply to applications for professional fees in a chapter 13 case unless the amount of fees sought is in excess of fees set forth in the most current guidelines governing chapter 13 attorney fees issued by the Office of the United States Trustee for Region XV in effect at the time of the application.

**2016-3. FINAL FEE APPLICATIONS.**

(a) All professional persons must file final fee applications.

(b) Motions for final fee awards shall contain the following:

- (1) all information required of interim fee applications under Local Bankruptcy Rule 2016-2;
- (2) a request for approval of all prior interim fee awards; and
- (3) a request for payment of all amounts previously allowed but unpaid pursuant to Local Bankruptcy Rule 2016-2.

**2016-4. ORDERS FOR COMPENSATION.**

All orders for interim or final compensation of professionals shall substantially conform to Local Form CSD 1144, *ORDER APPROVING [INTERIM] [FINAL] APPLICATION OF [APPLICANT] FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES* and shall include the following language:

"All fees and costs allowed by this order may be subject to disgorgement."

[The Next Rule is 3002]

**RULE 3002. CLAIMS BAR DATE IN CHAPTER 7 CASES;  
DUTY OF CHAPTER 7 TRUSTEE; SERVICE  
OF CHAPTER 13 CLAIM**

**3002-1. DUTY OF CHAPTER 7 TRUSTEE.**

As soon as it becomes apparent to a chapter 7 trustee that the liquidation of an estate will provide funds for a distribution to some class of creditors, the trustee shall immediately notify the clerk that filing proofs of claim by creditors will be required.



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**3002-2. SERVICE OF CHAPTER 13 CLAIM.**

Proofs of claims filed in a chapter 13 case shall be served on the chapter 13 trustee, debtor and debtor's counsel.

**RULE 3003. CLAIMS BAR DATE IN CHAPTER 11 CASES**

**3003-1. CLAIMS BAR DATE.**

In a chapter 11 case, the claims bar date is fixed pursuant to Fed. R. Bankr. P. 3003 by the debtor-in-possession or other plan proponent on ex parte motion to the court in accordance with Fed. R. Bankr. P. 3003(c)(3) and Local Bankruptcy Rule 9013-6(a).

**3003-2. NOTICE.**

All ex parte motions to fix claims bar dates in a chapter 11 case shall contain, as an exhibit, the form of notice proposed to be given to creditors and parties in interest.

**3003-3. ORDER.**

All orders approving the fixing of a claims bar date in a chapter 11 case must provide that creditors will be given not less than twenty-eight (28) days notice of the last date to file proofs of claim.

[The next Rule is 3007]

**RULE 3007. OBJECTION TO CLAIM**

**3007-1. DUTIES OF CHAPTER 13 DEBTOR.**

The chapter 13 debtor shall:

(a) examine proofs of claim filed in the case or the Notice of Filed Claims prepared by the chapter 13 trustee and file objections to the allowance of any improper claim;

(b) file objections to the allowance of any late-filed claim that the debtor does not intend to pay; and

(c) appear and submit to examination at a hearing upon an objection to a claim. If the debtor fails to appear at the hearing, the court may allow the claim as filed.

**3007-2. OBJECTION TO ALLOWANCE OF CLAIM.**

(a) **CONTENT OF OBJECTION.** Unless an objection to a claim is joined with a demand for relief of the kind specified in Fed. R. Bankr.

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P. 7001, thus requiring the institution of an adversary proceeding, the objection shall be filed by motion in the format prescribed by Local Form CSD 2015, *OBJECTION TO CLAIM AND NOTICE THEREOF*.

(b) **SERVICE.** The party objecting to a claim shall give no less than thirty (30) days notice to the claimant, the debtor, and chapter 13 trustee, if applicable.

(c) **PROVIDING COPY OF CLAIM.** The objecting party in a chapter 13 case shall attach a copy of the claim to the objection filed with the court.

[The Next Rule is 3013]

### **RULE 3013. CLASSIFICATION OF CLAIMS IN CHAPTER 13 CASES**

#### **3013-1. OBJECTION TO CLASSIFICATION BY CREDITOR.**

If a creditor in a chapter 13 case objects to the trustee's classification of the creditor's claim, the creditor shall file with the clerk and serve on the chapter 13 trustee an objection to the classification not later than thirty (30) days following service of the notice of classification.

[The Next Rule is 3015]

### **RULE 3015. CHAPTER 13 PLAN; EXTENSIONS; MODIFICATION OF OR OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLANS**

#### **3015-1. APPLICABILITY OF RULE.**

This rule governs the granting of extensions of time for filing the chapter 13 plan and for filing objections to confirmation of the plan.

#### **3015-2. DISMISSAL BY CHAPTER 12 OR 13 TRUSTEE.**

(a) A motion by the chapter 12 or 13 trustee for dismissal based upon the failure of the debtor to file the plan required by Fed. R. Bankr. P. 3015 shall be noticed in accordance with Fed. R. Bankr. P. 2002 and Local Bankruptcy Rule 2002-2(a). These requirements are satisfied by including the notice of intended action within the § 341(a) meeting notice.

(b) A motion by the chapter 12 or 13 trustee to dismiss after plan confirmation may be made on notice only to the debtor and the debtor's attorney, if any.

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**3015-3. EXTENSION OF TIME FOR FILING.**

Service on the chapter 13 trustee of a motion for extension of time to file a chapter 13 plan is governed by Local Bankruptcy Rule 9034-2.

**3015-4. FORM OF OBJECTION TO CHAPTER 13 PLAN.**

All objections to confirmation of any original or modified chapter 13 plan, including, but not limited to, objections of the chapter 13 trustee, shall be in writing and shall set forth with specificity all provisions of the Bankruptcy Code or Fed. R. Bankr. P. relied upon in support of the objection. Local Form CSD 1172, *OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN*, may be used to comply with this rule.

**3015-5. TIME FOR FILING OBJECTION TO CHAPTER 13 PLAN.**

The objecting party must obtain a hearing date from the chapter 13 trustee no later than the date the § 341(a) meeting is concluded. The objecting party must file the original and two (2) copies of its objection to confirmation, together with the notice of hearing required by Local Bankruptcy Rule 3015-8(b) and proof of service, with the clerk on the next court day following the date the § 341(a) meeting is concluded.

**3015-6. DUTY TO CONFER.**

The plan proponent and objecting party shall confer promptly after the § 341(a) meeting to attempt to resolve plan objections. If objections cannot be resolved, then not later than ten (10) days before the confirmation hearing, the attorneys shall file declarations stating with specificity the nature and extent of the problem, why the court's assistance is required for its resolution, and the date on which the parties conferred. No declaration is required by a chapter 13 trustee when the basis for the objection is only a failure of the debtor to make plan payments.

**3015-7. MODIFICATION OF CHAPTER 13 PLAN.**

(a) When modification of plan is required prior to confirmation of plan in accordance with § 1323, Local Form CSD 1170, *NOTICE OF MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION*, may be used to comply with this rule and a copy of the modified plan shall be attached to the notice.

(b) When modification of plan is required after confirmation of plan in accordance with § 1329, Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT*,

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*PLAN, OR MODIFIED PLAN*, may be used to comply with this rule and shall be filed with the original modified plan.

**3015-8. CONFIRMATION HEARING.**

(a) **HEARING ON CONFIRMATION OF PLAN.** Unless an objection to confirmation is filed in accordance with this rule, a confirmation hearing upon a chapter 13 plan will not be required.

(b) **NOTICE OF HEARING.**

- (1) The party objecting to the confirmation of an original chapter 13 plan or a plan modified prior to confirmation must serve its objection, together with any additional documents required to be served by Local Bankruptcy Rule 9014-2 and a notice substantially conforming to Local Forms CSD 1173, *NOTICE OF HEARING ON OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN* or CSD 1170, *NOTICE OF MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION*, on the debtor, the debtor's attorney, the chapter 13 trustee and the United States Trustee.
- (2) The party objecting to the confirmation of an original chapter 13 plan or plan modified prior to confirmation must serve the objection and notice not less than twenty-eight (28) days prior to the date set for the hearing, unless the court, for good cause shown, shortens the time for notice or the trustee and debtor waive notice so that an objection can be set on the same calendar as an existing, fully noticed, objection previously set on the court's calendar.

(c) **NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE DISMISSED.** For all matters or proceedings that have been calendared for hearing, it is the duty of the attorney for the objecting party to promptly advise the parties in interest, including the chapter 13 trustee, and the chapter 13 courtroom deputy by telephone if:

- (1) the objection has been settled by stipulation of the parties; or
- (2) the objection is to be withdrawn; and
- (3) submit for filing the proper pleading disposing of the matter within ten (10) days.

**3015-9. REPLY TO OBJECTIONS.**

The debtor may file a reply to an objection to confirmation of the chapter 13 plan. Any reply must be filed and received by the objecting party and chapter 13 trustee the earlier of seven

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(7) days after service of the opposition or three (3) court days prior to the date of the confirmation hearing. Service may be by facsimile upon prior agreement of the parties or upon court order. Service of a copy of the pleadings on the United States Trustee is not required. No response to a reply is permitted without court order.

**3015-10. ORDER CONFIRMING PLAN; DUTY OF DEBTOR'S ATTORNEY.**

The attorney for the debtor shall prepare and deliver to the chapter 13 trustee at the conclusion of the § 341(a) meeting the original and one (1) copy of an order confirming the chapter 13 plan. If a hearing on objections to confirmation results in the plan being confirmed, debtor's attorney shall deliver a confirmation order with one (1) copy to the chapter 13 trustee at the conclusion of the hearing. Any other orders resulting from the hearing shall be delivered with one (1) copy to the chapter 13 trustee within ten (10) days of the conclusion of the hearing, unless otherwise ordered by the court.

[The Next Rule is 3017]

**RULE 3017. MODIFICATION OF OR OBJECTIONS TO  
DISCLOSURE STATEMENT AND CHAPTER 11 OR 12 PLAN**

**3017-1. DOCUMENTATION OF MODIFICATIONS; DUTY OF PROPONENT.**

Whenever the proponent of a plan amends either the chapter 11 disclosure statement or chapter 11 or 12 plan, the proponent shall clearly indicate on a separate copy, the added, deleted, and/or substituted language. This separate copy must be presented at the time the unmarked original of the amended document is submitted for filing. A copy with the changes indicated shall likewise be attached to the copy served on the United States Trustee and objecting parties.

**RULE 3018. ACCEPTANCE OR REJECTION OF CHAPTER 11 PLAN**

**3018-1. RETURN OF ACCEPTANCES AND REJECTIONS.**

(a) The notice of a chapter 11 confirmation hearing shall contain a statement advising creditors to return their ballots to the plan proponent, or as otherwise directed by the court.

(b) The clerk shall prepare a claims register with appropriate claim numbers and make the same available for review at least fourteen (14) days prior to the scheduled confirmation hearing only if the claims bar date has been noticed in accordance with Local Bankruptcy Rule 3003.

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(c) The plan proponent shall assemble the ballots, arranged by class, keeping acceptances and rejections separate, and shall note on the lower right corner of the ballots the appropriate claim numbers to the extent that such numbers are available from the clerk. A cover page shall be added showing the case caption and titled "ACCEPTANCES TO PLAN" or "REJECTIONS TO PLAN." The ballots shall be pre-punched and securely bound at the top with a two-hole fastener.

**3018-2. SUMMARY OF CLAIMS AND ACCEPTANCES AND REJECTIONS.**

(a) The proponent of a chapter 11 plan shall file with the clerk all completed ballots not less than seven (7) business days prior to the confirmation hearing. The proponent shall simultaneously file with the clerk and serve on the United States Trustee a summary in the form prescribed by Local Form CSD 1151, *SUMMARY OF BALLOTING ON CHAPTER 11 PLAN*, showing:

- (1) the total number and amount of claims allowed by class;
- (2) the total number and amount of acceptances on allowed claims by class;
- (3) the total number and amount of rejections on allowed claims by class; and,
- (4) if applicable, a summary of the number of acceptances and rejections filed by equity security holders whose interests have not been disallowed.

(b) The original and two (2) copies of the summary of balloting shall be filed with the clerk. One copy will be returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).

[The Next Rule is 3020]

**RULE 3020. ESTIMATING DEPOSIT IN CHAPTER 11 CASE**

**3020-1. ADMINISTRATIVE EXPENSES PAYABLE TO COURT.**

No less than twenty-one (21) days before the confirmation hearing, the plan proponent shall request the appropriate case administrator to provide a statement of any unpaid assessments to be collected from the debtor pursuant to Local Bankruptcy Rule 4002-3 using Local Form CSD 1148, *REQUEST FOR SPECIAL CHARGES BY CHAPTER 11 PLAN PROPONENT*.

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**3020-2. SCHEDULE OF ESTIMATED EXPENSES.**

No less than seven (7) business days before the date fixed for the confirmation hearing, the plan proponent shall file with the clerk and serve on the United States Trustee a schedule of the estimated costs of administration and any other monies required to be distributed upon the effective date of the plan, together with the documents required by Local Bankruptcy Rule 3018.

[The Next Rule is 4001]

**RULE 4001. RELIEF FROM AUTOMATIC STAY; JOINDER OF  
PARTIES IN INTEREST; USE OF CASH COLLATERAL**

**4001-1. APPLICABILITY OF RULE AND ASSIGNMENT OF IDENTIFICATION  
NUMBER TO RELIEF FROM STAY MOTIONS.**

(a) **APPLICABILITY OF RULE.** This rule read in conjunction with Fed. R. Bankr. P. 4001 prescribes procedures for filing motions for relief from the automatic stay pursuant to 11 U.S.C. § 362. This rule does not govern motions for use of cash collateral or to obtain credit. Such motions are governed by Fed. R. Bankr. P. 4001(b), (c) and (d) and Local Bankruptcy Rule 9014.

(b) **ASSIGNMENT OF IDENTIFICATION NUMBER TO MOTIONS FOR RELIEF FROM STAY.** Prior to serving the motion and the notice of motion required by this rule, the moving party shall assign an identification number to the action, inserted two lines below the case number. This number shall appear on all copies of the motion and notice of motion which are served on any party and on all subsequent pleadings relating to the motion.

- (1) The Relief from Stay Number [designated as "RS No."] shall consist of not more than three initials of the attorney for moving party and the number which is one number higher than the number of relief from stay motions previously filed by said attorney in conjunction with that specific bankruptcy case. *[Example: the first R.S. Motion Control Number assigned by Attorney John D. Doe in the "Smith" bankruptcy case would be JDD1, the second JDD2, the third JDD3, and so on.]*
- (2) This numbering sequence would be repeated for each specific bankruptcy case in which said attorney files a relief from stay motion.

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**4001-2. CONTENT OF MOTION FOR RELIEF FROM STAY; SERVICE.**

(a) A motion for stay relief shall substantially conform to Local Forms CSD 1160, *MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1163, *MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)* and shall:

- (1) name, as respondents, the debtor, the trustee, and other entities entitled to receive notice of default or notice of sale under applicable non-bankruptcy law governing foreclosure of real or personal property which is the subject of the motion, or the agents for such parties;
- (2) state with particularity the relief or order sought, and the grounds for such relief or order;
- (3) state the status of any pending foreclosure or repossession;
- (4) if the basis of the motion is lack of equity or adequate protection, and value is relevant, state by declaration the provable value of the subject property and the amount of any known encumbrances. The declaration shall also contain a statement as to the competency of the declarant and the foundation for any opinion therein; and
- (5) if the motion is brought for cause, state by declaration or other verified pleading the specific facts that constitute such cause.

(b) Failure to set forth the information required by this rule may be grounds for denial of the relief requested.

(c) The moving party shall serve the motion, together with Local Form CSD 1185, *NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY*, on the parties named in Local Bankruptcy Rule 4001-2(a)(1) above. In a chapter 11 or 12 case, a copy of the motion shall also be served on the United States Trustee.

**4001-3. TIME FOR FILING OBJECTIONS TO MOTION; DUTY OF OBJECTING PARTY TO GIVE NOTICE.**

(a) Objections to a motion for relief from stay, together with Local Form CSD 1186, *REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING*, shall be served upon the movant, named respondents and the United States Trustee within eleven (11) days from the date of service of the motion for relief from stay and notice. The original and two (2) copies of the pleadings shall be filed with the clerk within the same 11-day period. If served by mail, opposing party shall



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have fourteen (14) days to serve and file such opposition as provided by Fed. R. Bankr. P. 9006(f). If the objection relates to real or personal property, the objection shall substantially conform to Local Form CSD 1161, *OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*.

(b) Prior to serving the objection, it shall be the duty of the objecting party to obtain from the court a date and time for a hearing on the objections. Such information shall be listed on Local Form CSD 1186, *REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING*, and in the caption of the objection.

**4001-4. CONTENT OF DECLARATION IN OPPOSITION TO MOTION.**

Any declaration filed in opposition to a motion for relief from stay shall be signed and verified in the manner prescribed by Fed. R. Bankr. P. 9011 and shall:

(a) identify the interest of the opposing party in the property;

(b) state with particularity the grounds for the opposition;

(c) state the provable value of the property specified in the motion and the amount of equity which would be realized by the debtor after deduction of all encumbrances; and

(d) contain a statement as to competence of the declarant and the foundation for any opinion therein.

**4001-5. CONTENT OF ORDER.**

(a) **NONCONTESTED MOTION.** If no objection to the motion for stay relief is timely filed and served, the moving party may submit to the court an appropriate order which substantially conforms to Local Forms CSD 1162, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY OR PERSONAL PROPERTY)*, or CSD 1165, *ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER)*. The order shall have attached thereto as Exhibit "A" a file-stamped copy of the notice with proof of service required by Local Bankruptcy Rule 4001-2(c) and shall state:

(1) the date the motion was filed;

(2) the particularity of the relief to be granted; and,

(3) if pertaining to real property, provide a full legal description and any street address for the property.

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(b) **CONTESTED MOTION.** At the conclusion of the hearing on a contested motion for stay relief, the prevailing party shall submit an order in accordance with Local Bankruptcy Rule 7054-3.

(c) **STIPULATED MOTION.** An order approving a motion for approval of a stipulation for relief from stay shall comply with Local Bankruptcy Rule 4001-5(a) and, in chapter 11 cases, provide evidence of compliance with Fed. R. Bankr. P. 4001(d)(1) and (2).

**4001-6. SERVICE OF ORDER.**

Upon receipt of the entered order and in addition to serving the parties listed in Local Bankruptcy Rule 7054-3(b)(2), the party obtaining stay relief shall mail a conformed copy of the entered order to any persons affected by the order and shall file proof of service with the court no later than the next business day following the date of service.

**4001-7. POINTS AND AUTHORITIES.**

A motion for relief from the automatic stay, or opposition to the same, need not be accompanied by points and authorities. If points and authorities are filed, they may be incorporated, if so desired, into one captioned pleading containing the supporting or opposing papers.

**4001-8. CONTENT OF NOTICE; EX PARTE RELIEF.**

Service of Form CSD 1185 is excused when an ex parte motion for relief from stay is otherwise in compliance with the provisions of Fed. R. Bankr. P. 4001(a)(2).

**4001-9. DUTY TO CONFER.**

The moving and objecting parties shall confer, at least three (3) business days prior to the hearing, to discuss the potential for resolving the matter.

**RULE 4002. DUTIES AND COMPENSATION OF DEBTOR**

**4002-1. SAFEKEEPING OF BOOKS AND RECORDS.**

(a) **SAFEKEEPING OF BOOKS AND RECORDS.** The debtor shall maintain, preserve and keep in safe storage all of the debtor's books and records during the time the case remains open.

(b) **TURNOVER OF BOOKS AND RECORDS.** Upon request, the debtor shall make the debtor's books and records immediately available to the trustee, the United States Trustee or their designated agents.

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(c) **LIMITATION OF DISPOSITION.**

- (1) After the books and records of the debtor are no longer necessary for the administration of the case, the trustee may give thirty (30) days notice to the debtor and debtor's attorney, if any, that said books and records may be disposed of if not claimed within that thirty (30) day period.
- (2) Upon notice to the debtor, trustee and United States Trustee, regulatory or governmental entities may apply to the court for permission to take possession and provide for the maintenance and safekeeping of books and records at the expense of the agency.
- (3) Upon written notification that an investigation is contemplated or pending by a regulatory or governmental entity, the trustee shall retain any books and records except upon sixty (60) days notice to such entity.

**4002-2. COMPENSATION OF DEBTOR AND INSIDERS.**

(a) **COMPENSATION.** Except in chapter 13 cases, no compensation or other remuneration shall be paid to the debtor or any insider unless approved by the court, after notice of intended action to all creditors. See Local Bankruptcy Rule 2002-2.

(b) **EX PARTE INTERIM ORDERS.** For cause shown, the court may approve compensation to the debtor or insider from a corporation, partnership, sole proprietorship or other entity owned or controlled by the debtor on an interim basis pending the expiration of the notice period prescribed under subsection (a) of this rule, provided that such compensation may be subject to disgorgement. The ex parte motion for interim compensation shall:

- (1) state the date the notice required by subsection (a) was given;
- (2) include a personal income and expense declaration for the applicant, where such applicant is an individual, partner, or insider of the debtor;
- (3) state the nature and extent of the duties to be performed by the person to be compensated;
- (4) state the compensation received from the debtor by the person to be compensated during the one year preceding the date the chapter 11 or 12 petition was filed;

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- (5) state whether operating reports are due or current;  
and
- (6) be accompanied by a proposed order.

(c) **STATEMENT OF UNITED STATES TRUSTEE.** Service on the United States Trustee of the motion for interim compensation is governed by Local Bankruptcy Rule 9034-1.

**4002-3. PAYMENT OF SPECIAL ASSESSMENTS FOR NOTICES MAILED AND PROOFS OF CLAIM PROCESSED BY CLERK.**

The clerk shall collect from each debtor-in-possession and each chapter 11 or 12 trustee the cost incurred by the clerk in mailing notices and processing proofs of claim in the amount prescribed by the Judicial Conference of the United States. Failure to pay the required assessment may result in the denial of an order allowing compensation, or the conversion or dismissal of the case.

**4002-4. DEPOSIT OF FUNDS WITH CHAPTER 12 TRUSTEE.**

The debtor shall deposit with the chapter 12 trustee the sum of \$200 within thirty (30) days following the date of filing a petition under chapter 12. The funds are to be used to defray the cost of the bond premium and other expenses of the trustee, subject to final review pursuant to 11 U.S.C. § 330.

**RULE 4003. OBJECTIONS TO CLAIM OF EXEMPTION**

**4003-1. PROCEDURE.**

Objections to any claim of exemption, as provided in Fed. R. Bankr. P. 4003(b), shall be governed by Local Bankruptcy Rule 9014.

[The Next Rule is 4007]

**RULE 4007. MOTION FOR EXTENSION OF TIME  
FOR FILING COMPLAINT FOR DETERMINATION OF  
DISCHARGEABILITY OF A DEBT**

**4007-1. PROCEDURE.**

A motion to extend the time to file a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c) shall be filed pursuant to Local Bankruptcy Rule 9013 and shall be served on the debtor, counsel for the debtor, and the trustee.

**RULE 4008. REAFFIRMATION AGREEMENTS FOR  
UNREPRESENTED DEBTORS**

**4008-1. PROCEDURE.**

The presiding officer at a chapter 7 § 341(a) meeting shall provide a copy of Local Form CSD 1230, *INSTRUCTIONS TO UNREPRESENTED DEBTORS REGARDING THE REAFFIRMATION OF A DEBT*, to each debtor appearing without an attorney.

[The Next Rule is 5005]

**RULE 5005. FACSIMILE FILINGS**

**5005-1. METHOD OF FILING.**

A fax filing agency will file all fax transmitted pleadings on behalf of the parties or their counsel. NO DOCUMENTS MAY BE TRANSMITTED DIRECTLY TO THE CLERK BY FAX FOR FILING. ANY DOCUMENTS SO TRANSMITTED SHALL BE REJECTED AND NOT FILED.

(a) The fax filing agency acts as the agent of the filing party and not as agent of the court. A document shall be deemed to be filed when it is submitted by the fax filing agency, received in the Clerk's office, and filed by the Clerk. Mere transmission to or receipt by the fax filing agency will not be construed as filing.

(b) The fax filing agency must meet all technical requirements under Local Bankruptcy Rule 9004.

(c) Counsel or parties utilizing a fax filing agency will ensure that additional copies necessary for filing shall be reproduced by the fax filing agency and any applicable filing fees are submitted at the time of filing.

**5005-2. WHEN FILED.**

Electronic transmission of a document via facsimile machine does not constitute filing. Filing is complete when the document is filed with the Clerk.

**5005-3. FORM, PAPER, LEGIBILITY.**

Only plain paper (no thermal paper) facsimile machines may be used. All documents shall be on size 8-1/2" x 11" bond. All copies shall be clear, clean and legible, and comply with Local Bankruptcy Rule 9004.

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**5005-4. ORIGINAL SIGNATURE.**

The image of the original manual signature on the fax copy will constitute an original signature for all court purposes. The original signed document shall not be substituted except by court order. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less than the maximum allowable time to complete the appellate process. Upon request, the original document must be provided to other parties or the court for review.

**5005-5. TRANSMISSION RECORD.**

The sending party is required to maintain a transmission record in the event fax filing later becomes an issue. A transmission record means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of errors in transmission.

**RULE 5010. MOTION TO REOPEN A CASE**

**5010-1. MOTION; NOTICE.**

A motion to reopen a closed bankruptcy case shall be accompanied by appropriate declarations required by Local Bankruptcy Rule 9013-2 and Local Form CSD 1182, *NOTICE OF MOTION*, together with proof of service on all parties affected by the proposed action and the appropriate filing fee.

**5010-2. ORDER; FEE.**

After expiration of the last day for serving and filing objections or after hearing, the moving party shall submit Local Form CSD 1490, *ORDER REOPENING ESTATE*. The order shall be submitted in accordance with Local Bankruptcy Rule 7054-3, if contested, or Local Bankruptcy Rule 9013-7, if noncontested.

**RULE 5011. WITHDRAWAL OF REFERENCE; ABSTENTION**

**5011-1. WITHDRAWAL OF REFERENCE.**

(a) A motion to withdraw reference of a case or proceeding referred to the bankruptcy court in accordance with 28 U.S.C. § 157(a) must be filed initially with the bankruptcy court clerk.

(b) All responses to a motion to withdraw reference shall be filed within fourteen (14) days from service of motion with the bankruptcy court clerk. After the fourteen (14) day period has

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expired, the motion and any responses shall be forwarded to the district court clerk for issuance of a case number and assignment to a judge. All further pleadings regarding the matter shall be filed with the district court clerk.

(c) The district court judge has general discretionary authority to withdraw any petition or proceeding from a bankruptcy judge, provided:

- (1) The motion for withdrawal is timely made; and
- (2) the movant shows good cause for withdrawal.

(d) The motion to withdraw and the response thereto, shall list all motions, adversary proceedings and related cases pending in the bankruptcy court and their assigned number, and shall state:

- (1) whether the request is to withdraw reference of the entire case or proceeding, or only a part thereof;
- (2) whether the matter to be withdrawn involves similar issues previously determined or presently pending by the bankruptcy court in the same or related case;
- (3) whether substantial discovery has been completed in the action;
- (4) whether the presentation of evidence has begun before the bankruptcy court;
- (5) whether movant is a creditor and is listed in the debtor's schedules; and
- (6) when the movant first became aware of the bankruptcy case or proceeding and its interest therein.

**5011-2. ABSTENTION.**

Motions for abstention under 28 U.S.C. § 1334(c) are to be filed in the bankruptcy court clerk's office. Such motions are governed by Local Bankruptcy Rule 9014 and calendared for hearing before the bankruptcy court.

[The Next Rule is 6004]

**RULE 6004. USE, SALE OR LEASE OF PROPERTY  
NOT IN THE ORDINARY COURSE OF BUSINESS**

**6004-1. REQUIRED NOTICE.**

Notices required by Fed. R. Bankr. P. 6004 shall be provided pursuant to Local Bankruptcy Rule 2002-2.

**6004-2. PUBLICATION OF NOTICE.**

(a) If an advertisement of sale is required by the court, any such advertisements of sale shall be published in publications most likely to reach interested purchasers; provided, however, that when the anticipated costs of publication will exceed five (5) percent of the estimated sales proceeds, an ex parte motion and proposed order shall be submitted to the court.

(b) The San Diego Daily Transcript, of San Diego, California and The Post-Press, of El Centro, California are designated as official newspapers for publication of all notices required to be published in bankruptcy matters and of all other notices required to be published by law or order of this court, unless otherwise ordered by this court.

**6004-3. REPORT OF SALE.**

A court order is not required to consummate a noncontested sale, but the trustee or debtor-in-possession shall file a report of sale as required by Fed. R. Bankr. P. 6004(f) within a reasonable amount of time.

(a) **SALE OF REAL PROPERTY.**

- (1) The person selling real property shall include a full legal description and any street address for the property in the report required by Fed. R. Bankr. P. 6004(f) (see Local Form CSD 2024, *REPORT OF SALE*); and
- (2) The trustee or debtor-in-possession shall attach a copy of the escrow statement or other documentation to the final report and accounting showing distribution of the total proceeds of sale.

(b) **SERVICE OF REPORT.** A copy of the report of sale shall be served on the debtor, United States Trustee, and any official creditors' committee.



## **RULE 6005. APPOINTMENT OF AUCTIONEERS**

### **6005-1. CONTENT OF APPLICATION AND ORDER.**

(a) **AUCTIONEER.** An application and order for the appointment of an auctioneer shall comply with Fed. R. Bankr. P. 6005 and conform to Local Forms CSD 2044, *APPLICATION TO EMPLOY AUCTIONEER*, and CSD 2045, *ORDER APPOINTING AUCTIONEER*.

(b) **ADDITIONAL REQUIREMENTS.** The trustee or debtor-in-possession shall attach to the application required by subsection (a) of this rule:

- (1) a detailed explanation of anticipated expenses;
- (2) a verified statement of the proposed auctioneer as required by Fed. R. Bankr. P. 2014(a) and 2016(a); and
- (3) statement of the maximum amount of compensation to be paid for services.

### **6005-2. STATEMENT OF UNITED STATES TRUSTEE.**

Service on the United States Trustee of the application for the appointment of an auctioneer is governed by Local Bankruptcy Rule 9034-1.

### **6005-3. DUTY OF AUCTIONEER.**

Immediately after completing the auction, and before receiving any compensation or reimbursement of expenses, the auctioneer shall serve on the trustee or debtor-in-possession and file with the clerk:

(a) the auctioneer's report required by Fed. R. Bankr. P. 6004(f); and

(b) a detailed itemization of compensation and actual expenses.

### **6005-4. PAYMENT OF COMPENSATION.**

To the extent the aggregate compensation and expenses of the auctioneer exceed \$500, a trustee or debtor-in-possession shall give the notice required by Local Bankruptcy Rule 2002-2. Otherwise, the compensation and expenses may be paid without further notice, subject to final review pursuant to 11 U.S.C. § 330.

[The Next Rule is 6007]

## **RULE 6007. ABANDONMENT OR DISPOSITION OF PROPERTY**

### **6007-1. APPLICABILITY OF RULE.**

This rule is to be read in conjunction with Fed. R. Bankr. P. 6007 and applies to all cases under chapters 7, 11, 12, and 13.

### **6007-2. NOTICE REQUIREMENTS.**

#### **(a) VOLUNTARY ABANDONMENT.**

- (1) **PROPERTY WITH TOTAL VALUE OF LESS THAN \$2,500.** When the property to be abandoned has a total value of less than \$2,500, the trustee or debtor-in-possession shall give notice of the proposed abandonment to the following: the debtor; the debtor's attorney; the United States Trustee; any other entity entitled to receive notice of default or notice of sale under applicable non-bankruptcy laws governing foreclosure of the real or personal property which is the subject of the motion, or the agents for such parties; and to any committees appointed or elected pursuant to the Bankruptcy Code.
- (2) **PROPERTY WITH TOTAL VALUE OF \$2,500 OR MORE.** When the property to be abandoned has a total value of \$2,500 or more, the trustee or debtor-in-possession shall give notice of the proposed abandonment pursuant to Local Bankruptcy Rule 2002-2.

(b) **MOTION BY PARTY IN INTEREST.** A party in interest may file and serve a motion requiring the trustee or debtor-in-possession to abandon property of the estate. The motion and notice shall comply with Local Bankruptcy Rule 9013.

### **6007-3. PROCEDURE FOLLOWING NOTICE OF ABANDONMENT.**

#### **(a) VOLUNTARY ABANDONMENT.**

- (1) **PERSONAL PROPERTY.** Where a voluntary abandonment of personal property is not contested in a timely manner, the trustee or debtor-in-possession need only file the notice required by Local Bankruptcy Rule 2002-2(c) and proof of service; no further report need be filed.
- (2) **REAL PROPERTY.** Where a voluntary abandonment of real property is not contested in a timely manner, the trustee or debtor-in-possession shall file Local Form CSD 2018, *REPORT OF ABANDONMENT OF REAL PROPERTY*.
- (3) **PROOF OF SERVICE.** Proof of service required by this subsection shall be attached to the original showing service on the debtor and United States Trustee.

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(b) **CONTESTED ABANDONMENT.** Local Bankruptcy Rule 9014 governs when a proposed abandonment, whether voluntary or on motion, is contested.

[The Next Rule is 7003]

**RULE 7003. COMMENCEMENT OF ADVERSARY PROCEEDING;  
ADDITIONAL REQUIREMENTS**

**7003-1. COMMENCEMENT OF ADVERSARY PROCEEDINGS.**

(a) **DOCUMENTS REQUIRED TO COMMENCE AN ADVERSARY PROCEEDING.** A complaint commencing an adversary proceeding is filed with the bankruptcy court clerk. Pleadings shall be prepared in the manner required by Local Bankruptcy Rule 9004-3. The court requires:

- (1) the original and two (2) copies of Form B 104, *ADVERSARY PROCEEDING COVER SHEET*, and the complaint; and
- (2) the original and two (2) copies of the completed Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*.

(b) **ASSIGNMENT.** Adversary proceedings shall be assigned to the bankruptcy judge assigned to the related Title 11 case.

(c) **NOTICE OF RELATED CASE.** Where counsel has reason to believe that a pending action or proceeding on file or about to be filed is related to another pending action or proceeding on file with the court, counsel shall promptly file and serve on all known parties to each related action or proceeding, a notice of related case, stating the title, number and filing date of each action or proceeding believed to be related, together with a brief statement of their relationship and the reasons why assignment to a single judge is likely to effect a saving of judicial effort and other economies. The clerk will promptly notify the assigned judges of such filing.

**7003-2. JURY TRIAL.**

If a complaint or answer contains a demand for a jury trial, the words "JURY DEMAND" shall also appear immediately following the title of the document. The words "JURY DEMAND" shall also be noted on the cover sheet required by Local Bankruptcy Rule 7003-1(a)(1). However, notation of the jury demand solely on the cover sheet shall not constitute a demand for jury trial under these rules.

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**RULE 7004. PROCESS ISSUANCE AND SERVICE**

**7004-1. SERVICE OF PROCESS.**

(a) **PRESENTATION OF SUMMONS FOR ISSUANCE.**

- (1) Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*, shall be prepared by the attorney, using forms supplied by the clerk, and presented concurrently with the filing of a complaint or petition commencing the action.
- (2) If the statute of limitations applicable to a claim in the complaint runs before the summons can be prepared and issued, the complaint shall be accepted by the clerk for filing without a summons. The summons shall thereafter be presented for issuance within two (2) court days after the filing of the complaint.

(b) **ALIAS SUMMONS.** An alias summons must be issued if a summons is not timely served within the 10-day period provided in Fed. R. Bankr. P. 7004(f). The alias summons shall be prepared by counsel pursuant to Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*, with the word "ALIAS" typed above the word "SUMMONS" in the title and presented to the clerk along with a written request for the issuance of the alias summons. Service of an alias summons is governed by Fed. R. Bankr. P. 7004(f) as if it were an original summons.

**RULE 7005. SERVICE OF PLEADINGS**

**7005-1. SERVICE OF PLEADINGS OTHER THAN PROCESS.**

Service of an amended complaint, a counterclaim, a cross-claim, or a third-party complaint shall be made upon each new party to the litigation, whether or not multiple parties are represented by a single attorney. Service of all other pleadings authorized to be served under Fed. R. Bankr. P. 7005 shall be sufficient when served upon the attorney for a party, if the party is in fact represented by an attorney. Except as provided in this rule, where an attorney represents multiple parties, service of one (1) copy of a pleading shall constitute service of all parties represented by that attorney, unless the court otherwise orders.

[The Next Rule is 7012]

## **RULE 7012. ANSWER**

### **7012-1. CONTENT.**

Each statement of fact shall be made in numbered paragraphs which shall be limited, as far as practicable, to a statement of a single set of circumstances. Responsive pleadings shall contain numbered paragraphs, each of which corresponds to the paragraph to which it is directed.

[The Next Rule is 7016]

## **RULE 7016. PRE-TRIAL PROCEDURES**

### **7016-1. APPLICABILITY OF RULE.**

Pre-trial proceedings and setting of cases for trial shall be governed by Fed. R. Bankr. P. 7016 and this Rule, and by such orders as are issued pursuant thereto.

### **7016-2. EARLY MEETING OF COUNSEL.**

(a) **TIME OF EARLY MEETING.** In all proceedings governed by Part VII of the Fed. R. Bankr. P., the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this rule is required. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint. Counsel for the parties shall meet in person for the purposes set forth below. Such meeting shall take place no later than thirty (30) days after the date all defendants have appeared or defaulted or sixty (60) days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, counsel for the plaintiff shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary, in multi-defendant cases and upon a showing of good cause, the court may grant an application for an extension of time within which to hold the early meeting.

(b) **PURPOSE OF MEETING.** At the meeting required by this Rule, the parties shall:

- (1) **DOCUMENTS.** Exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations of the pleadings filed by the party.
- (2) **DISCOVERY.** Exchange preliminary schedules of discovery.

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- (3) **OTHER EVIDENCE.** Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.
- (4) **LIST OF WITNESSES.** Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.
- (5) **DISCOVERY PLAN.** Except as required by Fed. R. Bankr. P. 7026(f)(2), the plan of discovery shall indicate the parties' views and proposals concerning the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues.
- (6) **SETTLEMENT.** Discuss settlement of the proceeding.

(c) **CERTIFICATE OF COMPLIANCE.** No less than five (5) court days prior to the first pre-trial status conference, counsel shall file a written certification that they have complied with the requirements of this section.

**7016-3. SETTING AND NOTICE.**

The court shall give notice setting a pre-trial status conference on the calendar of the judge to whom the underlying bankruptcy case has been assigned.

**7016-4. DISCUSSION OF MEDIATION ALTERNATIVES.**

Prior to the pre-trial status conference, counsel shall confer with the client and discuss the mediation program, and shall ask the client for authorization to participate in the mediation program.

**7016-5. STATUS CONFERENCE.**

(a) Each party appearing at the status conference shall be represented by an attorney (or the party, if unrepresented) who is expected to conduct the trial on behalf of such party.

(b) Parties appearing at the status conference shall be prepared to discuss the following:

- (1) state of discovery, including a description of completed discovery and a detailed schedule of all further discovery contemplated;

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- (2) a discovery cut-off date;
- (3) a schedule of contemplated law and motion matters;
- (4) prospects for settlement;
- (5) whether the client has given authorization to participate in the mediation program as described in Local Bankruptcy Rule 7016-6;
- (6) any other issues affecting the status or management of the case.

**7016-6. MEDIATION PANEL PROCEDURES.**

(a) **LISTS OF MEDIATORS.** The judges of the court shall establish and maintain two lists of qualified persons who agree to serve as mediators in contested matters and adversary proceedings pending before the court. One list shall contain the names of those mediators who are entitled to compensation as outlined below (Compensated Mediation Panel), and the other will contain those who will serve without compensation (Voluntary Mediation Panel).

(b) **VOLUNTARY MEDIATION PANEL.** To volunteer for this program, a person shall submit an application to the San Diego County Bar Association, which in turn shall submit the same to the clerk. The application shall set forth the qualifications described in subsection (1) or (2) and shall conform in format to Local Form CSD 4001, *APPLICATION TO JOIN VOLUNTARY MEDIATION PANEL*.

- (1) **ATTORNEY QUALIFICATIONS.** In order to qualify for service on the Voluntary Mediation Panel, an attorney shall certify to the court that the attorney meets the following minimum qualifications:
  - (A) the attorney is an active member of the State Bar of California and is duly licensed to practice before the courts of the State of California and the Federal courts for the Southern District of California;
  - (B) the attorney has been admitted to practice in a state court for at least four (4) years; and
  - (C) the attorney has served as the attorney of record for at least three (3) bankruptcy cases from commencement through conclusion (i.e.; confirmation of a plan or discharge) or has served as the attorney of record for a party in interest for at least three (3) or more adversary proceedings or contested matters from commencement through completion (i.e.; judgment,

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order, or stipulated settlement); or has had  
other substantially equivalent bankruptcy  
experience.

- (2) **NON-ATTORNEY QUALIFICATIONS.** In order to qualify for service on the Voluntary Mediation Panel, a non-attorney shall certify to the court that the following qualifications are met:

- (A) the person is a member of the panel of trustees or examiners maintained by the Office of the United States Trustee; or
- (B) the person is a Certified Public Accountant in the State of California; and
- (C) in addition, the person complying with the requirements of subsection (A) or (B) above shall also demonstrate service to a bankruptcy estate in at least ten (10) asset estates as trustee, and/or in at least ten (10) cases as bankruptcy examiner or accountant for a trustee or debtor-in-possession from commencement through completion of such case; or has other substantially equivalent bankruptcy experience.

(C) **COMPENSATED MEDIATION PANEL.**

- (1) To apply for this program, a person shall submit an application to the San Diego County Bar Association, which in turn shall submit the same to the clerk. The application shall set forth the qualifications described in subsection (A) and (B) below and shall conform in format to Local Form CSD 4000, *APPLICATION TO JOIN COMPENSATED MEDIATION PANEL*. Effective September 8, 1997, mediators shall be entitled to join the Compensated Mediation Panel if they have completed twenty-five (25) hours of mediation training provided by the San Diego Mediation Center or an equivalent qualified training center consistent with the California Dispute Resolution Act (Title 16 California Code of Regulations, Sections 3615 through 3635, and Sections 465 through 467.7 of the California Business Professions Code). In addition, mediators seeking compensation must, within the calendar year preceding the year in which the mediation is conducted, satisfy one of the following:

- (A) conduct two (2) bankruptcy mediations or six (6) hours of mediation from any source; or,



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(B) attend a half-day refresher program provided by the San Diego Mediation Center or an equivalent qualified center consistent with the California Dispute Resolution Act.

- (2) No later than December 15 of the year prior to the calendar year they will conduct compensated mediation, compensated mediators must submit to the Chief Judge of the Bankruptcy Court a renewal application for service on the Compensated Mediation Panel which certifies that they have satisfied the requirements set forth herein.

(d) **LISTS OF ELIGIBLE MEDIATORS.** Two lists of eligible mediators shall be submitted to the clerk once per calendar quarter by the San Diego County Bar Association.

- (1) The lists to be submitted no later than March 15 shall be effective from April 1 through June 30.
- (2) The lists to be submitted no later than June 15 shall be effective from July 1 through September 30.
- (3) The lists to be submitted no later than September 15 shall be effective from October 1 through December 31.
- (4) The lists to be submitted no later than December 15 shall be effective from January 1 through March 31 of the following year.

(e) **ASSIGNMENT TO MEDIATION.**

- (1) A case may be assigned to mediation by order of the court at a status conference or other hearing. If a case is assigned to mediation, the parties attending the status conference shall be presented with the current lists of eligible mediators. If the parties cannot agree, the court shall appoint a mediator and alternates from the lists.
- (2) Local Form CSD 4002, *ORDER APPOINTING MEDIATOR AND ASSIGNMENT TO MEDIATION*, shall be used to assign a matter to mediation. The original shall be retained in the court's file. The clerk will mail a copy to the mediator and to each party.

(f) **MEDIATION PROCEDURE.**

- (1) **TIME AND PLACE.** The mediator shall fix the time and place for the mediation conference, and any adjourned session. The time and place selected shall be reasonably convenient for the parties, and the parties

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shall be given at least fifteen (15) days written notice of the initial conference. The conference shall be scheduled as soon as practicable but in no event more than forty-five (45) days after the mediator has been notified of the appointment. The mediator may, upon written stipulation of the parties filed with the court, grant one continuance of the conference, provided that the continuance granted does not extend the date of the conference to a date more than seventy-five (75) days after the mediator has been notified of the appointment.

- (2) **SUBMISSION OF COMPLETED CASE QUESTIONNAIRES.** Each party shall provide the mediator with a completed case questionnaire in the format of Local Form CSD 4003, *CASE QUESTIONNAIRE IN CONNECTION WITH MEDIATION PROCEDURE*. The case questionnaire shall be served on the mediator and all other parties not less than seven (7) calendar days prior to the date noticed for the mediation conference as set forth in subsection (1) above.
- (3) **ATTENDANCE AND PREPARATION REQUIRED.** The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and any adjourned sessions of that conference. The attorney for each party shall come prepared to discuss the following in detail and in good faith:
- (A) all liability issues;
  - (B) all damage issues; and
  - (C) the position of their client relative to settlement.
- (4) **MEDIATION COMPENSATION.** A mediator who meets the requirements of paragraph (c) above is entitled to compensation at the rate of \$200 per each half-day mediation session except, however, for the first half-day of the mediation session (3.5 hours) which shall be conducted free of charge. The mediation fee shall be borne equally by all parties attending the mediation. The \$200 fee is to be paid at the beginning of each successive session. Unrepresented litigants are required to pay in cash or by cashiers check. Those parties represented by an attorney may pay with a check from the attorney's account.
- (5) **PARTIES TO BE AVAILABLE.** All individual parties who reside within the County of San Diego shall personally attend the mediation conference unless excused by the

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mediator for cause. Parties, other than individuals, whose principal place of business is located in San Diego County, shall have a representative appear with authority to settle. Individuals and other parties who neither reside in San Diego County nor have their principal place of business located therein, shall be available for conference with their counsel to the mediator by telephone. The mediator shall decide when the parties are to be present in the conference room.

- (6) **FAILURE TO ATTEND.** Willful or unexcused failure to attend the mediation conference shall be reported to the court by the mediator and may result in the imposition of sanctions by the court.
- (7) **PROCEEDINGS PRIVILEGED.** All proceedings or writings of the mediation conference, including the case questionnaire, mediator's settlement recommendation, plus any statement made by any party, attorney or other participant, shall in all respects be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury or construed for any purpose as an admission against interest. No party shall be bound by anything said or done at the conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement. Federal Rule of Evidence 408 applies herein. A report of a failure to attend a mediation conference does not fall within this privilege.
- (8) **DUTY OF COUNSEL.** The client shall be advised of the fact that the mediator is a qualified person and has volunteered to act as an impartial mediator, without compensation, in an attempt to help the parties reach an agreement and avoid the time, expense and uncertainty of trial. If the mediator makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party shall promptly transmit that suggestion to the client.
- (9) **DUTY OF MEDIATOR.** The mediator shall have the duty and authority to establish the time schedule for mediation activities, including a schedule for the parties to act upon the mediator's recommendation, having in mind that the purpose of this order is prompt dispute resolution. The mediator shall have no obligation to make any written comments or recommendations, but may have the discretion to provide a written settlement recommendation memorandum. No copy of any such memorandum shall be filed with the clerk or made

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available in whole or in part, directly or indirectly,  
either to the court and/or the jury.

(g) **PROCEDURE UPON COMPLETION OF MEDIATION SESSION.** Upon the conclusion of the first mediation session where all parties are in attendance, the following procedures shall be followed:

- (1) If the parties have reached an agreement regarding the disposition of the proceeding, the parties shall designate a party to prepare a stipulation to dismiss, or enter a judgment on agreed terms, or continue the mediation session to a date convenient to all parties and the mediator. The party preparing the stipulation shall submit the stipulation, once fully executed by all parties, to the court for approval.
- (2) The mediator shall prepare and file with the clerk, within ten (10) days, a Local Form CSD 4004, *MEDIATOR'S CERTIFICATE OF COMPLIANCE*, indicating whether a settlement was reached, and, if so, whether there was compliance with the settlement and mediation requirements of this rule.

**7016-7. PREPARATION FOR FINAL PRE-TRIAL CONFERENCE.**

(a) **MEETINGS OF COUNSEL.** The attorneys for the parties shall convene at a suitable time and place not later than fourteen (14) days in advance of the final pre-trial conference. The purpose of the meeting shall be to arrive at stipulations and reach agreements resulting in simplification of the triable issues. Counsel for the plaintiff shall have the duty of arranging for meetings of counsel and for preparation of the pre-trial order mandated by Local Bankruptcy Rule 7016-9.

(b) **EXCHANGES BETWEEN COUNSEL.** At the meeting, the following information shall be displayed and/or exchanged:

- (1) exhibits other than those designed solely for purposes of impeachment or rebuttal; and
- (2) lists of the names and addresses of witnesses, including experts, who will be called at trial (exclusive of witnesses whose testimony is to be used solely for purposes of impeachment or rebuttal).

(c) **CONTENT OF EXHIBITS EXCHANGED.** Each photograph, map, drawing and the like shall contain a legend on its face or reverse side. The legend shall state by date the matters of fact which the party offering the exhibit claims are fairly depicted.

(d) **FAILURE TO DISPLAY AND/OR EXCHANGE EXHIBITS OR LISTS.** Failure to display and/or exchange exhibits or lists to or with opposing counsel

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shall permit the court to decline admission of same into evidence.

**7016-8. CONDUCT OF THE FINAL PRE-TRIAL CONFERENCE.**

At the final pre-trial conference, the court shall consider and, where appropriate, rule upon:

(a) the pleadings, proposed amendments to the pleadings, papers and exhibits, stipulations, statements, memoranda and all other matters referred to in Fed. R. Bankr. P. 7016;

(b) all properly noticed motions and other proceedings then pending;

(c) the possibilities for settlement and other matters which may be presented concerning parties, process, pleading or proof, with a view to simplifying issues and bringing about a just, speedy and inexpensive determination; and

(d) future and additional pre-trial meetings where required and, upon termination of the final pre-trial conference, the date to be set for trial.

**7016-9. PRE-TRIAL ORDER.**

(a) **RESPONSIBILITY OF PLAINTIFF'S COUNSEL.** Plaintiff's counsel shall be responsible for preparing the pre-trial order and arranging the meetings of counsel attendant thereto. Plaintiff's counsel shall thereafter file the prepared pre-trial order with the clerk no later than seven (7) days prior to the final pre-trial conference.

(b) **FORMAT.** Attorneys for all parties appearing in the case shall approve the pre-trial order as to form and substance. The format of the order shall substantially conform to Local Form CSD 3021, *PRE-TRIAL ORDER*.

(c) **ABANDONED ISSUES.** Each party shall set forth a statement of any issues which have been abandoned.

(d) **UNRESOLVED ISSUES OF FACT AND LAW.** The parties shall agree upon a joint, and not separately listed, statement of issues of fact and law which remain to be litigated. Where there is disagreement as to whether a particular fact or point of law is in issue, that fact or point of law shall be deemed to be in issue and, therefore, to be litigated.

(e) **EXHIBITS.** Each party shall prepare a list of all exhibits such party expects to offer at the trial (other than those to be used for impeachment) with each exhibit sufficiently described

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for identification. The list shall substantially conform to Local Form CSD 3026, *LIST OF EXHIBITS SUBMITTED BY ATTORNEY*.

(f) **OBJECTIONS TO EXHIBITS.** All objections to the admissibility of any exhibits listed in paragraph (e), the applicable rule of evidence, and any case authority shall be set out with specificity and attached as an appendix to the pre-trial order.

(g) **WITNESSES.** The parties shall jointly prepare a list of the names and addresses of all prospective witnesses, except impeaching witnesses, and, in the case of expert witnesses, provide a brief narrative statement of the qualifications of such witnesses and the substance of the testimony which such witnesses are expected to give. Only witnesses so listed, and impeachment and rebuttal witnesses, shall be permitted to testify at the trial, except for good cause shown.

**7016-10. TRIAL COUNSEL TO BE PRESENT.**

Unless otherwise ordered by the court, counsel who will conduct the trial will appear at the final pre-trial conference.

**7016-11. SANCTIONS; PRE-TRIAL.**

Failure of counsel to appear before the court at pre-trial proceedings or to complete the necessary preparations for such proceedings may be deemed an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party with respect to a specific issue or the entire proceeding.

**7016-12. PREPARATION FOR TRIAL.**

Unless otherwise ordered, the parties shall complete the following activities not less than seven (7) calendar days prior to the commencement of trial:

(a) serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth concisely the party's position and supporting arguments and authorities;

(b) in jury cases, serve and file proposed voir dire questions, jury instructions, and forms of verdict;

(c) in proceedings tried without jury, and otherwise when so ordered, serve and file proposed findings of fact and conclusions of law;

(d) serve and file statements designating excerpts from depositions (specifying the witness and page and line references), from interrogatory answers and from responses to

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requests for admission to be offered at the trial for purposes other than impeachment or rebuttal; and

(e) exchange copies of all exhibits (other than for impeachment or rebuttal) and all schedules, summaries, diagrams and charts to be offered at trial. Each proposed exhibit shall be marked in the manner specified by Local Bankruptcy Rule 7016-9(e). Upon request, the party offering the foregoing documents shall make the originals of the same available for inspection and copying.

**7016-13. RETURN OF EXHIBITS.**

At the conclusion of the trial or hearing, every exhibit marked for identification or introduced in evidence shall be returned to the party who produced it unless otherwise ordered by the court. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.

[The Next Rule is 7019]

**RULE 7019. MOTION TO CHANGE VENUE  
IN ADVERSARY PROCEEDING**

A motion to change venue under 28 U.S.C. § 1412 shall be filed with the bankruptcy court clerk. The motion shall be governed by Local Bankruptcy Rule 9014 and calendared for hearing before the bankruptcy court.

[The Next Rule is 7022]

**RULE 7022. INTERPLEADER ACTIONS; DEPOSITS INTO  
INTEREST BEARING ACCOUNTS; DISBURSEMENTS**

**7022-1. DEPOSIT OF REGISTRY FUNDS; CONTENT OF ORDER.**

Those parties seeking interpleader of certain funds shall personally serve a copy of the order on the clerk or chief deputy clerk. The order shall contain the following provisions:

"IT IS ORDERED, (pursuant to the attached stipulation signed by all parties named in the action,) that the clerk deposit the amount of \$\_\_\_\_\_ in an automatically renewable (insert type of account or instrument as provided in the stipulation) in the name of the Clerk, United States Bankruptcy Court at (insert name of designated bank, savings and loan, brokerage house), said funds to remain invested pending further order of the court.

"IT IS FURTHER ORDERED that the clerk is directed to deduct from the income earned on the investment a fee, not exceeding

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that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, whenever such income becomes available for deduction in the investment so held and without further order of the court.

"IT IS FURTHER ORDERED that counsel presenting this order shall personally serve a copy thereof on the clerk or the chief deputy clerk prior to making the deposit. Absent the aforesaid personal service, the clerk is hereby relieved of any personal liability relative to compliance with this order."

**7022-2. DISBURSEMENTS OF REGISTRY FUND; CONTENT OF ORDER.**

The clerk shall disburse funds on deposit in the registry of the court only pursuant to court order. The disbursement order shall contain a provision relieving the clerk from liability for loss of interest, if any, for early withdrawal of the funds. The order shall state the name and taxpayer identification number for each party who is to receive funds and the percentage of the balance and interest each is to receive. Funds shall be disbursed only after the time for appeal of the related judgment or order has expired, or upon approval by the court of a written stipulation by all parties.

[The Next Rule is 7026]

**RULE 7026. DISCOVERY.**

**7026-1. APPLICABILITY OF RULE.**

Except as specifically ordered by a bankruptcy judge, the parties are not required to comply with the following provisions of Fed. R. Bankr. P. 7026: Fed. R. Bankr. P. 7026(a)(1)-(4) (pretrial disclosures); Fed. R. Bankr. P. 7026(d) (insofar as it precludes certain discovery before meeting of counsel), and Fed. R. Bankr. P. 7026(f) (meeting of parties) except as required by Local Bankruptcy Rule 7016-2.

**7026-2. CONFERENCE REQUIRED.**

The court shall entertain no motion pursuant to Fed. R. Bankr. P. 7026 through 7037 unless counsel shall have previously met and conferred by telephone or in person concerning all disputed discovery issues. Unless relieved by court order upon good cause shown or agreement of the parties, counsel for the non-moving party shall meet with counsel for the moving party within ten (10) days of service of a letter requesting such meeting and specifying the terms of the discovery order to be sought. If counsel for the moving party seeks to arrange such a conference and counsel for the non-moving party willfully refuses or fails to meet and confer, in the absence of a prior



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order excusing such a meeting for good cause, the judge may order the payment of reasonable expenses, including attorney's fees, pursuant to Fed. R. Bankr. P. 7037.

**7026-3. CERTIFICATE OF COMPLIANCE.**

At the time of filing any motion with respect to Fed. R. Bankr. P. 7026 through 7037, counsel for the moving party shall serve and file a certificate of compliance with this rule.

**7026-4. PROTECTIVE ORDER.**

Any person against whom a motion under Fed. R. Bankr. P. 7037(a), or Fed. R. Bankr. P. 9016(a)(2) is brought may, upon proper notice, request a hearing on a motion for a protective order under Fed. R. Bankr. P. 7026(c).

[The Next Rule is 7030]

**RULE 7030. DEPOSITIONS**

**7030-1. APPLICABILITY OF RULE.**

Except as specifically ordered by a bankruptcy judge, the following provisions of the Fed. R. Bankr. P. do not apply to actions in this court: Rules 7030(a)(2)(C) and 7031(a)(2)(C).

**7030-2. ATTORNEYS DUTY TO STIPULATE.**

Prior to giving notice, parties will make every reasonable effort to stipulate to the exact time and place for the commencement and resumption of all depositions. If an agreement cannot be reached, any party may apply by ex parte application to the court for an order fixing the time, place and/or other terms and conditions governing such a deposition and for any related order of relief.

**7030-3. MATERIALS.**

The deposing party shall furnish the officer designated to conduct the deposition with a copy of Fed. R. Bankr. P. 7028(c) and 7030(c).

**7030-4. TRANSCRIPT COST.**

The deposing party shall assume the cost of transcription unless, pursuant to the parties' agreement, the court orders a waiver of transcription or a different apportionment of cost.

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**7030-5. COURT COPY.**

Whenever a deposition or any part thereof is to be read in court, counsel using the same shall furnish a copy to the court in addition to the original filed with the court.

**7030-6. FILING.**

Unless filing is ordered by the court on motion of a party or upon its own motion, depositions upon oral examination shall not be filed unless and until they are used in the proceeding.

[The Next Rule is 7033]

**RULE 7033. INTERROGATORIES TO PARTIES**

**7033-1. APPLICABILITY OF RULE.**

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7033(a) that interrogatories not be served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of court, shall not apply to actions in this court.

**7033-2. MOTION FOR LEAVE TO SERVE ADDITIONAL INTERROGATORIES.**

Any motion for leave to serve additional party interrogatories shall be made pursuant to Local Bankruptcy Rule 9013-3(a).

**7033-3. ANSWERS OR OBJECTIONS TO INTERROGATORIES.**

Answers or objections to each interrogatory shall first identify and quote the interrogatory in full.

**7033-4. FILING.**

Interrogatories, related answers and objections shall not be filed with the court unless and until they are used in the proceedings or their filing is ordered by the court. The court may order filing on its own motion or upon the motion of a party.

**RULE 7034. TIMING OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

**7034-1. APPLICABILITY OF RULE.**

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7034(b) that requests for production of documents or things or to examine land not be

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served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of court, shall not apply to actions in this court.

[The Next Rule is 7036]

**RULE 7036. REQUESTS FOR ADMISSION**

**7036-1. APPLICABILITY OF RULE.**

Except as specifically ordered by a bankruptcy judge, the requirement in Fed. R. Bankr. P. 7036(a) that requests for admission not be served prior to the time specified in Fed. R. Bankr. P. 7026(d) except by stipulation or leave of the court, shall not apply to actions in this court.

**7036-2. RESPONSES OR OBJECTIONS TO REQUESTS FOR ADMISSION.**

Responses or objections to each request for admission shall first identify and quote the request for admission in full.

**7036-3. FILING.**

Requests for admission, related responses and objections shall not be filed with the court unless and until they are used in the proceedings or their filing is ordered by the court. The court may order filing on its own motion or upon the motion of a party.

[The Next Rule is 7040]

**RULE 7040. ASSIGNMENT OF ADVERSARY PROCEEDING  
FOR JURY TRIAL**

**7040-1. PROCEDURE.**

(a) **APPLICABILITY.** This rule shall govern conduct of jury trials, when appropriate.

(b) **DEMAND FOR JURY TRIAL.** Local Bankruptcy Rule 7003-2 governs the request for a jury trial.

**7040-2. CONSENT TO JURY TRIAL.**

(a) If the right to a jury trial applies, a timely demand has been filed under Fed. R. Civ. P. 38(b), and the bankruptcy judge has been specially designated to conduct the jury trial, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement no later than the first status conference.

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(b) Fed. R. Civ. P. 38, 39, 47-51, and 81(c) insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made under Fed. R. Civ. P. 38(b) shall be filed in accordance with Fed. R. Bankr. P. 5005.

(c) Parties are deemed to have consented to the entry of a final order by the bankruptcy judge in a non-core proceeding.

**7040-3. SIX-PERSON JURIES.**

In all adversary proceedings in which a party is entitled to a jury trial, the jury shall consist of six (6) members and such alternates as the judge may determine.

**7040-4. EXAMINATION OF JURORS.**

Unless otherwise ordered, the examination of trial jurors shall be conducted by the judge. Counsel shall submit any questions which they desire to be propounded to the jurors in accordance with Local Bankruptcy Rule 7016-12(b).

**7040-5. FILING, SERVICE AND FORM OF PROPOSED INSTRUCTIONS.**

(a) Unless otherwise ordered, each party shall serve and file proposed jury instructions in accordance with Local Bankruptcy Rule 7016-12(b). At the discretion of the judge, additional requests for instructions may be received at any time prior to the commencement of closing argument to the jury.

(b) Each proposed instruction shall be concise and limited to one subject. The instruction shall set forth the identity of the party submitting it, be written out in full on a separate page, and set forth citations to the authorities supporting it. The instructions shall be consecutively numbered.

(c) Objections to proposed instructions may be filed with the court or made orally to the judge, as time permits. Such objections should normally be accompanied by citation to supporting authority. Prior to closing argument to the jury, the judge shall inform counsel of the instructions which will be given.

(d) If an instruction is submitted from a recognized book of instructions, it shall be from the latest edition thereof [so noted at the bottom of the instruction]; and if modified in any way, deleted material shall be shown in parentheses and additions shall be underscored.

**7040-6. ASSESSMENT OF JURY COSTS.**

If for any reason attributable to counsel or parties, including settlement, the court is unable to commence a jury

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trial as scheduled where a panel of prospective jurors have reported for voir dire, the court may assess against counsel or parties responsible, all or part of the cost of the panel.

**RULE 7041. DISMISSAL OF ADVERSARY PROCEEDING**

**7041-1. VOLUNTARY OR STIPULATED DISMISSALS.**

If the stipulated or voluntary dismissal of an adversary proceeding removes a hearing from the court's calendar, the date and time of that hearing shall be inserted two (2) lines below the adversary number in the caption of the order.

**7041-2. DISMISSAL FOR WANT OF PROSECUTION.**

Actions or proceedings which have been pending in this court for more than six (6) months without any action having been taken during such period, may, after notice, be dismissed without prejudice unless otherwise ordered by the court.

**7041-3. DISMISSAL OF RELATED TITLE 11 CASE.**

(a) Whenever a Title 11 case is dismissed, any pending related adversary proceeding, in which a final judgment has not been entered, shall be dismissed without prejudice and without further order of the court.

(b) If the debtor files another petition for relief under Title 11 within ninety (90) days following entry of the order dismissing the prior case, any plaintiff, whose adversary proceeding was dismissed under this rule, may file an ex parte motion and proposed order to have the proceeding reopened and made applicable in the new case, as though the proceeding were originally filed therein.

**7041-4. VOLUNTARY OR STIPULATED DISMISSAL OF OBJECTIONS TO DISCHARGE OF THE DEBTOR.**

(a) **PROCEDURE.** A motion or stipulation for dismissal of a complaint which contains objections to the discharge under 11 U.S.C. § 727 may be approved only after notice to the United States Trustee and the trustee for the debtor, as provided in Fed. R. Bankr. P. 7041 and in accordance with Local Bankruptcy Rule 9013.

(b) **CONTENT OF MOTION OR STIPULATION.** The motion or stipulation shall contain: a statement signed and verified by both plaintiff and defendant that there has been no monetary settlement or other agreement made as consideration for dismissal of the § 727 claims for relief and that there has been no violation of 18 U.S.C. § 152.

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(c) **INTERVENTION BY THE UNITED STATES TRUSTEE OR TRUSTEE.** If the United States Trustee or the trustee for the debtor desires to intervene as the plaintiff in an objection to discharge of a debtor, the United States Trustee and/or trustee shall file an objection to the proposed stipulation or motion and a cross-motion to intervene within the time provided by Local Bankruptcy Rule 9013-4.

[The Next Rule is 7054]

**RULE 7054. FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDERS AND JUDGMENTS**

**7054-1. APPLICABILITY OF RULE.**

This rule is to be read in conjunction with Fed. R. Bankr. P. 7054 and 9021 and governs the preparation, submission and approval of findings of fact, conclusions of law, judgments, and orders.

**7054-2. DUTY OF PREVAILING PARTY.**

Unless the court directs otherwise, the prevailing party shall prepare and submit any judgments or orders and, if required, separate findings of fact and conclusions of law, in the manner provided in Local Bankruptcy Rule 7054-3. The pleadings shall also comply with Local Bankruptcy Rule 9004.

**7054-3. PROCEDURES FOR SUBMISSION OF ORDERS AFTER HEARING.**

(a) **PROCEDURE BY CONSENT.** The party preparing the order or judgment, and, if required, separate findings of fact and conclusions of law may submit the same to the opposing parties for their approval as to form and content. The opposing parties shall indicate their approval by promptly endorsing the lower-left corner of the signature page(s) and returning the original documents to the preparing party. The preparing party shall then submit the original documents to the court for signature and entry without having to comply with Local Bankruptcy Rule 7054-3(b). If approval is not obtained from the opposing parties, the preparing party shall then submit the original documents to the court in the manner set forth in Local Bankruptcy Rule 7054-3(b).

(b) **PROCEDURE BY LODGMENT - CONTESTED ORDER OR JUDGMENT.**

(1) **NOTICE OF LODGMENT.** The party preparing the order or judgment and, if required, separate findings of fact and conclusions of law shall file the same together with a notice of lodgment. The notice shall conform to Local Bankruptcy Rule 9004 and shall be accompanied

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by a proof of service on all opposing parties as provided in Fed. R. Bankr. P. 7005. The notice shall inform the opposing parties that any objections to the form and content of the proposed order or judgment must be filed and served within five (5) business days from the date of service of the originals. Fed. R. Bankr. P. 9006(f) shall not apply. Assembly sequence for documents is as follows:

- (A) the order or judgment and two (2) copies;
- (B) findings of fact and conclusions of law, if any, and two (2) copies;
- (C) an original notice of lodgment with a copy of the proposed order or judgment and, if required, separate findings of fact and conclusions of law attached as Exhibit "A" and "B", if applicable, followed by a proof of service, and two (2) copies; and
- (D) an original Notice of Entry with the pre-addressed, postage-paid envelopes required by subsection (2) below.

(2) **NAMES AND ADDRESSES OF OPPOSING PARTIES.**

- (A) The preparing party shall submit to the clerk, in addition to any proposed findings of fact, conclusions of law, and order or judgment, the original of Local Adversary Form CSD 3050, *NOTICE OF ENTRY OF JUDGMENT OR ORDER* or Local Case Form CSD 1190, *NOTICE OF ENTRY*. The Notice of Entry shall contain the names and addresses of opposing parties, their attorneys of record and, if the judgment or order affects property of the debtor or the estate, the names and addresses of the debtor, any trustee, their attorneys of record, the United States Trustee, and any co-owner of the property. The date of entry of the judgment or order shall remain blank.
- (B) In addition to the Notice of Entry, the party shall also submit pre-addressed and postage-paid envelopes for each of the parties to receive notice of entry.

(3) **OBJECTIONS TO LODGED DOCUMENTS.** Any party who opposes the entry of the lodged order, judgment, or separate findings of fact and conclusions of law shall file an objection and an alternate order, judgment, or separate findings of fact and conclusions of law with the court. The

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alternate order, judgment, or separate findings of fact and conclusions of law shall be filed and served on the preparing party within five (5) business days from the date of service of the original notice of lodgment and shall conform to Local Bankruptcy Rule 9004. Fed. R. Bankr. P. 9006(f) shall not apply. Notice of Lodgment of alternate order is not required. No further pleadings will be considered except upon leave of court.

**7054-4. INTEREST ON JUDGMENT.**

(a) **RATE OF INTEREST.** The legal rate of interest applied to a judgment or order shall be the rate provided by the United States Department of the Treasury pursuant to federal law and published by the Administrative Office of the United States courts in a rate table with a retrospective period of over ten (10) years.

(b) **PUBLICATION OF INTEREST RATE.** The clerk shall post notice of the current legal rate of interest in a public place and shall provide this information by telephone upon request at (619) 557-5620.

**7054-5. COSTS.**

(a) Costs will be taxed in conformity with the provisions of 28 U.S.C. §§ 1920 and 1923, Fed. R. Bankr. P. 7054 and Local Rule 54.1 of the United States District Court, except as otherwise provided in subsections (b) and (c) of this rule.

(b) Within fourteen (14) days after the entry of a judgment or order under which costs may be claimed, a party entitled to claim costs may request taxation of the costs itemized therein. The Bill of Costs shall be submitted using Local Form CSD 3066, *BILL OF COSTS*. The costs shall be separately and specifically itemized for each item of costs claimed.

(c) The prevailing party will give at least seven (7) days notice of the cost hearing to the party or parties against whom the costs are to be assessed. The hearing date and time may be obtained by calling the secretary to the Clerk.

(d) The procedure for the Bill of Costs and the items taxable as costs are set forth in Local Rule 54.1 of the United States District Court.

(1) Attorney fees may not be taxed as costs by the clerk.

(2) If attorney fees are claimed, a motion for allowance of fees must be made by the prevailing party in accordance with Local Bankruptcy Rule 9014.



## **RULE 7055. DEFAULT**

### **7055-1. REQUIRED FORM FOR REQUEST TO ENTER DEFAULT.**

(a) A request to enter default under Fed. R. Bankr. P. 7055 shall conform substantially to Local Form CSD 3030, *REQUEST TO ENTER DEFAULT*.

(b) Unless previously filed, the request shall be accompanied by a separate verified affidavit in support thereof.

### **7055-2. FORM OF JUDGMENT.**

A separate judgment, entitled "Judgment by Default", shall be prepared. The judgment shall state in simple and direct terms the judgment of the court and shall comply with Local Bankruptcy Rule 9004.

[The Next Rule is 7065]

## **RULE 7065. TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

### **7065-1. REQUIREMENTS.**

(a) Prior to submitting an application for a temporary restraining order or for a preliminary injunction, an adversary proceeding shall be filed seeking such relief as governed by Local Bankruptcy Rule 7003.

(b) An application for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint and shall be accompanied by:

- (1) a separate memorandum of points and authorities in support of the application;
- (2) a proposed temporary restraining order or preliminary injunction;
- (3) a declaration or affidavit by the moving party or counsel for the moving party showing compliance with Fed. R. Bankr. P. 7065 regarding notice to opposing parties; and,
- (4) a copy of the filed complaint.

[The Next Rule is 7069]

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**RULE 7069. ENFORCEMENT OF JUDGMENTS**

**7069-1. FORM.**

Whenever a provisional remedy is sought or a judgment is enforced in accordance with state law as provided in Fed. R. Bankr. P. 7064 and 7069, the application and order shall conform substantially to Local Form CSD 3060, *APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION AND ORDER THEREON*.

**7069-2. DISCOVERY IN AID OF ENFORCEMENT OF JUDGMENTS.**

As allowed by Fed. R. Bankr. P. 7069, except to the extent that a federal statute applies, a judgment creditor may obtain discovery from any person to aid in enforcing a judgment in the manner provided by Fed. R. Bankr. P. 7026 through 7037 or in the manner provided by state law. A judgment creditor may not use Fed. R. Bankr. P. 2004 to collect information to use to enforce a judgment.

**7069-3. USE OF UNITED STATES MARSHAL.**

The court encourages the use of state remedies and officers wherever appropriate to enforce judgments or obtain available remedies. The United States Marshal's Office is available to enforce federal judgments as necessary.

**7069-4. REGISTRATION OF JUDGMENTS.**

A judgment by a bankruptcy judge from any other district may be registered in the Southern District of California by filing with the bankruptcy clerk a certified copy of such judgment accompanied by Local Form CSD 3054, *CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT*, and by payment of the fee mandated by the Judicial Conference pursuant to 28 U.S.C. § 1930.

[The Next Rule is 9004]

**RULE 9004. GENERAL REQUIREMENTS OF FORM**

**9004-1. APPLICABILITY OF RULE.**

Fed. R. Bankr. P. 9004, read in conjunction with applicable Local Bankruptcy Rules, governs the preparation and filing of papers, except as otherwise required by the court. "Papers" as used in this rule include but are not limited to pleadings, documents, notices, exhibits and proofs of claim.

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**9004-2. ATTORNEY IDENTIFICATION AND SIGNATURE.**

(a) **STATE BAR MEMBERSHIP NUMBER.** Attorneys presenting papers for filing shall insert their State Bar membership number immediately to the right of their name at the top of the title page. On proofs of claim, the number shall appear to the right of their name.

(b) **RESPONSIBILITY OF LEAD ATTORNEY.** For notice purposes, where there is more than one attorney of record, the attorney whose name first appears under the attorney identification section on the title page of a paper shall be known as the "lead attorney" and is the person upon whom the court will serve any notices and other papers. The lead attorney shall be responsible for promptly delivering copies of these notices and papers to any co-counsel.

**9004-3. PAPERS PRESENTED TO THE COURT - FORM AND FORMAT.**

(a) **LEGIBILITY.** All papers shall be typewritten or hand-printed or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink. The typeface shall be no smaller than pica size, with not more than ten (10) typed characters per inch.

(b) **SIGNATURES.** All original papers shall be signed by the individual attorney for the party presenting them, or by the unrepresented party. The name of the person signing the paper shall be typed underneath the signature. Copies shall be conformed to the original.

(c) **PAPER SIZE.** The original of all papers shall be submitted on opaque, unglazed, white paper of standard quality not less than 13-pound weight. The paper shall be 8-1/2 by 11 inches with not more than twenty-eight (28) lines per page. Pre-printed forms provided by the clerk must be reproduced "heel-to-toe" so that they may be easily read without removal from the file; otherwise, only one side of the paper will be used. Papers shall be double-spaced except for the identification of counsel, title of the action, category headings, footnotes, quotations, exhibits and descriptions of real property. Quotations from cited cases or other authorities shall be clearly indented not less than five (5) spaces or more than twenty (20) spaces and may be single-spaced.

(d) **TITLE PAGE.** In the space commencing two (2) inches from the top and to the left of center-page, there shall be typed or printed single-spaced the following information:

- (1) name of counsel and State Bar membership number presenting a paper, or if not represented by an attorney, the name of the party;

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- (2) office address, including the street address in addition to any post office box. If no office address, state residence address.
- (3) Area code and telephone number of the party presenting the paper.
- (4) Two (2) lines below the telephone number, the name and interest of the party on whose behalf the paper is presented shall be identified; in the instance of multi-party representation, reference may be made to the bottom of the signature page for including a complete list of co-counsel, including their State Bar membership numbers and addresses and telephone numbers, and parties represented.
- (5) Two (2) lines below the last information required by subsection (4) herein, centered on the page, insert the name of the court, as follows:

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(e) **CONTINUATION PAGES.**

- (1) When a proposed order, judgment, or findings of fact and conclusions of law contains more than the title page, the following information is required to be inserted at the lower-left corner of each continuation page:
  - (A) the name of the debtor or, for adversary proceedings, the name of the first plaintiff; and
  - (B) the case number and either the relief from stay number or the adversary proceeding number, if any; and
  - (C) the title of the order or judgment.
- (2) If the signature page, at least three (3) lines of text shall continue from the previous page.

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- (3) Two (2) lines below the signature line at the left margin, insert information regarding the submitting attorney as follows:

"Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the relief provided by the order is the relief granted by the court.

Submitted by:

Firm name

By: \_\_\_\_\_  
Attorney for [party]"

(f) **PAGINATION.** All papers shall be numbered consecutively at the bottom of each page, including any attached exhibits.

(g) **STIPULATIONS:**

- (1) shall conclude with the heading "ORDER"; and
- (2) beneath the heading shall appear the words, "IT IS SO ORDERED"; and
- (3) provide a line for the date and the signature of the bankruptcy judge, as provided in Local Bankruptcy Rule 9004-3(h).
- (4) Any stipulation which extends time or provides for a continuance shall contain the reason for the change of date.

(h) **SIGNATURE LINE FOR JUDGE.** A signature line shall be provided with the words "Judge, United States Bankruptcy Court" typed beneath the line.

(i) **EXHIBITS ATTACHED TO PAPERS.** Exhibits shall not exceed 8-1/2 by 11 inches in size whenever practicable. Larger exhibits shall be folded in such a manner as not to exceed 8-1/2 by 11 inches. An exhibit smaller than 8-1/2 by 11 inches shall be attached to a 8-1/2 by 11 inch sheet.

- (1) Unless the physical nature of the exhibit makes it impractical, an exhibit shall be securely fastened to the paper to which it relates. The exhibit shall be so attached that it will be easily read without detaching the exhibit from the paper.

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- (2) The exhibit number shall be placed immediately above or below the page number of each page of the exhibit. Exhibits shall be tabbed in sequential order.

(j) **PAPERS TO BE PRE-PUNCHED.** The original of all papers presented for filing or lodging shall be pre-punched with two normal-size holes (approximately 1/4" diameter), centered 2-3/4 inches apart, 1/2 to 5/8 inch from the top edge of the paper. All pages shall be firmly bound at the top left corner.

(k) **SUBMITTING PAPERS FOR FILING.** All papers submitted to the clerk for filing shall be flat and unfolded (except where necessary for presentation of exhibits). Blue backing sheets are prohibited.

(l) **COPIES.** Copies shall be marked "COPY" in the bottom margin on the face page and shall be conformed to the original in content, pagination, exhibits, additions, deletions, and interlineations. Conformed copies need not be executed.

(m) **REQUIRED NUMBER OF COPIES.** Unless otherwise prescribed by these rules, there shall be submitted:

- (1) The original and two (2) copies of the pleadings that accompany an ex parte or emergency order.
- (2) The original and one (1) copy of the order or judgment and any separate findings of fact and conclusions of law, if the consent procedure authorized by Local Bankruptcy Rule 7054-3(a) is used.
- (3) The original and two (2) copies of the order or judgment and any separate findings of fact and conclusions of law and notice of lodgment, if the lodgment procedure authorized by Local Bankruptcy Rule 7054-3(b) is used.
- (4) The original and two (2) copies of an objection to a lodged order, judgment, or separate findings of fact and conclusions of law as provided in Local Bankruptcy Rule 7054-3(b)(3).
- (5) The original and two (2) copies of any notice of hearing required by Local Bankruptcy Rules 2002-3, 3015 and 9014 and related pleadings.
- (6) The original and two (2) copies of any request for hearing required by Local Bankruptcy Rules 2002-2, 3007, 3013, 4001, 5010, and 9013 and related pleadings.
- (7) The original and two (2) copies of any opposition, objection, reply memorandum or joinder required by

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Local Bankruptcy Rules 3015, 4001, 5011, 9006-1(d),  
9013 and 9014 and related pleadings.

- (8) The original and one (1) copy of all other pleadings.

(n) **RETURN OF COURT CONFORMED COPY.** The requested number of copies includes one to be file stamped by the clerk and returned to the party presenting the paper. If the copy is to be returned by messenger, a messenger slip shall be provided for that purpose. If the copy is to be returned by United States mail, a self-addressed, postage-paid envelope large enough to hold the copy shall be provided. When presenting ex parte motions and orders, two (2) messenger slips or envelopes shall be provided.

**9004-4. CAPTION AND TITLE OF PAPERS FILED.**

(a) **REQUIRED CAPTION.** In addition to the information generally required by Fed. R. Bankr. P. 1005 (for notices), 7010 (for adversary proceedings) and 9004(b) (for bankruptcy cases), the caption of each paper shall commence two (2) lines beneath the name of the court and set forth:

- (1) the case number, followed by the initials of the currently assigned judge and chapter number, and, if the document is to be filed in the adversary proceeding, the adversary proceeding number;
- (2) any relief from stay identification number, as required by Local Bankruptcy Rule 4001-1(b), inserted two (2) lines below the bankruptcy case (the designator "RS No." shall precede the number);
- (3) a concise description of the nature of the paper (e.g., Notice of Motion for Summary Judgment, Complaint to Determine Dischargeability of Debt); and
- (4) the date, time and name of the judge, if the paper (other than a notice of hearing) is to be considered at a future hearing. This information shall be inserted two (2) lines below the case number, adversary proceeding number, or "RS" number.

(b) **RESPONSIBILITY OF ATTORNEY TO PROVIDE PROPER CASE NAME AND NUMBER.** The attorney presenting a paper for filing shall bear sole responsibility for ensuring that the case name, case number, adversary number, if any, and any required identification number for relief from stay matters match. The court may refuse to consider papers entered on the wrong docket or misfiled because of erroneous or omitted information provided by the attorney.

[The Next Rule is 9006]

**RULE 9006. TIME FOR MOTIONS AND OBJECTIONS;  
LENGTH OF BRIEFS; PROOF OF SERVICE**

**9006-1. TIME FOR MOTIONS AND OPPOSITION.**

(a) **SERVICE OF MOTION.** In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002, 4001, 9013, and 9014 shall govern service of a written motion.

(b) **NOTICE OF HEARING.** In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002-3, 4001-3, and 9014 shall govern notice of hearing unless the hearing is deemed waived.

(c) **OPPOSITION.** In accordance with Fed. R. Bankr. P. 9006(d), Local Bankruptcy Rules 2002, 4001, 9013, and 9014 shall govern the time for filing any opposing affidavits or objections.

(d) **JOINDERS.** A joinder asserting additional grounds must be filed and served in the same period as required by these rules for the underlying motion or opposition.

(e) **MOTION DAYS.** When a hearing on a motion is required by Local Bankruptcy Rules 2002-3 and 9014, the moving party shall obtain a date and time for the hearing from the courtroom deputy for the appropriate judge and give the notice required by that rule.

(f) **EXTENDING AND SHORTENING TIME.** Subject to the limitations of Fed. R. Bankr. P. 9006, a motion for an order extending or shortening time under the Fed. R. Bankr. P. or Local Bankruptcy Rules shall be submitted ex parte pursuant to Local Bankruptcy Rule 9013-6(a)(1)(F) and with a proposed order.

**9006-2. LENGTH OF BRIEF IN SUPPORT OF OR IN OPPOSITION TO MOTION.**

Briefs or memoranda in support of or in opposition to any pending motion shall not exceed twenty-five (25) pages, and reply memoranda shall not exceed ten (10) pages, without leave of a bankruptcy judge. Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents and a table of authorities cited.

**9006-3. PROOF OF SERVICE.**

(a) Proof of service of all papers to be served, other than those for which the Fed. R. Bankr. P. prescribe a particular method, shall be promptly filed together with the original documents served with the clerk's office on the next business day following the date of service of the documents, and shall indicate the date and manner of service by attaching:



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- (1) written acknowledgment of service or the original served, by the attorney or authorized person receiving a copy thereof; or
- (2) attorney's certificate or affidavit of the person who mailed or served the papers; or
- (3) by any other court approved method.

(b) Delivery of pleadings by facsimile shall not constitute service for purposes of these rules unless by prior agreement of the parties or by court approval. The validity of the service is not affected by the failure to make the proof of service required.

(c) Forms approved for proof of service in the California State Courts, or Local Form CSD 3010, *PROOF OF SERVICE*, may be used for this purpose.

(d) Unless it would result in material prejudice to the rights of any party, the court may permit the proof of service to be amended at any time.

(e) No papers shall be filed with the clerk's office unless the service required by the Fed. R. Bankr. P. or these Local Bankruptcy Rules has been made.

[The Next Rule is 9009]

## **RULE 9009. LOCAL FORMS**

### **9009-1. AVAILABILITY OF FORMS.**

Appendix C contains copies of the forms routinely used by attorneys or that are referenced by these Local Bankruptcy Rules. Upon request and without cost, the clerk shall provide any local form used by this court. All forms shall be subsequently duplicated by the user as needed.

## **RULE 9010. APPEARANCE OF ATTORNEYS**

### **9010-1. APPLICABILITY OF RULE.**

Fed. R. Bankr. P. 9010 and Local District Court Rule 83.3 govern the appearance of attorneys in bankruptcy cases and adversary proceedings.

### **9010-2. APPLICATIONS FOR ADMISSION.**

Applications for admission under Local District Court Rule 83.3(c)(1) shall be presented to the clerk of the United States

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District Court. The application shall be accompanied by the required fee. Checks should be made payable to "Clerk, United States District Court."

**9010-3. PRO HAC VICE APPLICATION.**

Pro hac vice applications under Local District Court Rule 83.3(c)(5) shall be presented to the clerk of the United States Bankruptcy Court. The application shall be accompanied by the required fee. Checks should be made payable to "Clerk, United States District Court."

**9010-4. DUTY OF ATTORNEY TO KEEP MAILING ADDRESS AND TELEPHONE INFORMATION CURRENT.**

Attorneys appearing in ongoing bankruptcy proceedings shall keep the court apprised of their current mailing address and telephone number. Any change of address must be submitted in writing; Local Form CSD 1546, *ATTORNEY CHANGE OF INFORMATION FORM*, may be used for this purpose. Merely noting such a change on a pleading submitted for filing shall not constitute compliance with this rule.

**9010-5. SUBSTITUTION OF ATTORNEYS.**

Substitution of attorneys is governed by Local Rule 83.3(g)(2) of the United States District Court for the Southern District of California and, if applicable, Local Bankruptcy Rule 2014-1.

**RULE 9011. SANCTIONS.**

**9011-1. TIME FOR FILING MOTION.**

Any motion for sanctions pursuant to Fed. R. Bankr. P. 9011, plus all necessary supporting pleadings, shall be filed and served upon the adverse party's counsel, or, if none, the adverse party not later than thirty (30) days from the entry of the order or judgment and no earlier than the entry of an order directed to the pleading, petition or motion at issue. Local Bankruptcy Rules 9006 and 9014 govern the procedure for scheduling a hearing and the schedule for filing all other pleadings.

[The Next Rule is 9013]

## **RULE 9013. MOTIONS; FORMS AND SERVICE**

### **9013-1. APPLICABILITY OF RULE.**

This rule is to be read in conjunction with Fed. R. Bankr. P. 9013 and Local Bankruptcy Rules 2002 and 9014, and governs motion practice in the bankruptcy court for which notice to all creditors is not required by the Fed. R. Bankr. P. Local Bankruptcy Rule 4001 governs the procedure for obtaining relief from automatic stay.

### **9013-2. CONTENT OF MOTIONS.**

(a) **GENERAL REQUIREMENTS.** Except as provided in subsection (b), every motion:

- (1) shall be accompanied by a memorandum of points and authorities; and,
- (2) shall include affidavits or declarations of material facts, as appropriate, which are signed and verified in the manner provided by Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b), or appropriate requests for judicial notice.

(b) **SPECIAL REQUIREMENTS.** Unless otherwise ordered by the court:

- (1) **MOTION TO DISMISS CASE.** A debtor's motion to dismiss a case shall set forth the terms of any arrangements or agreements with any entity regarding dismissal.
- (2) **MOTION FOR DISMISSAL OF COMPLAINTS OBJECTING TO DEBTOR'S DISCHARGE.** A motion for the dismissal of an adversary complaint containing objections to the discharge of a debtor under 11 U.S.C. § 727(c) shall comply with Local Bankruptcy Rule 7041-4.
- (3) **MOTIONS TO AVOID LIENS UNDER 11 U.S.C. § 522(f).** The debtor's motion to avoid a lien or other transfer of property under § 522(f) shall be accompanied by:
  - (A) a declaration of the debtor or other competent evidence of the fair market value of the property;
  - (B) the amount of the lien to be avoided;
  - (C) the value claimed exempt;
  - (D) the nature and amount of other liens against the property; and

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- (E) the statutory basis for the exemption. Lien avoidance motions on declared homesteaded property shall also be accompanied by a copy of the recorded homestead declaration.

**9013-3. CONTENT OF NOTICE.**

(a) **NOTICE OF MOTION.** The moving party shall serve affected parties in interest with a copy of the motion and a separate Notice of Motion which conforms to Local Form CSD 1182, *NOTICE OF MOTION FOR (DESCRIPTION OF ACTION)*.

(b) **OPPOSITION ANTICIPATED.** Upon the affirmative representation of counsel for the movant that substantive opposition is reasonably anticipated, a hearing date may be obtained from the courtroom deputy and the movant may proceed pursuant to Local Bankruptcy Rule 9014.

**9013-4. TIME FOR SERVICE OF OPPOSITION.**

Except as otherwise provided by an order shortening time, each party opposing a motion shall serve that opposition and Local Form CSD 1184, *REQUEST AND NOTICE FOR HEARING*, not later than fourteen (14) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have seventeen (17) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f). Objections to a motion filed under Local Bankruptcy Rule 9013-2 commence a contested matter governed by Local Bankruptcy Rule 9014-4(b).

**9013-5. TIME FOR SERVICE OF REPLY.**

Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) court days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval.

**9013-6. HEARING ON MOTION.**

(a) **EX PARTE MOTIONS AND APPLICATIONS.** An ex parte motion or application is one in which notice is not required to be given to any parties in interest or notice is limited to the United States Trustee or chapter 13 trustee, when required by the Fed. R. Bankr. P. or these local rules, and for which a hearing is not required. Unless otherwise directed by these rules or by the court, the ex parte motion or application shall be accompanied by an original order and required number of copies in conformance with Local Bankruptcy Rule 9004.

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- (1) **MOTIONS AND APPLICATIONS NOT REQUIRING NOTICE.** The following motions and applications may be made ex parte without notice unless otherwise required by the court:
- (A) application for permission to pay filing fee in installments, as governed by Local Bankruptcy Rule 1006-2;
  - (B) motion for review of appointment of a creditors' committee organized before the date of the order for relief or for a special-interest committee, as governed by Fed. R. Bankr. P. 2007;
  - (C) motion for order fixing claims bar date in chapter 11 case, as governed by Local Bankruptcy Rule 3003;
  - (D) notice of removal of a proceeding from another court, as governed by Local Bankruptcy Rule 9027 and Fed. R. Bankr. P. 9027;
  - (E) motion to re-open an adversary proceeding, as governed by Local Bankruptcy Rule 7041-3(b);
  - (F) motion for order extending or shortening time, as governed by Local Bankruptcy Rule 9006;
  - (G) motion for order authorizing examination of an entity under Fed. R. Bankr. P. 2004;
  - (H) motion to file document or pleading under seal under Fed. R. Bankr. P. 9018; and
  - (I) application for order to show cause regarding contempt under Fed. R. Bankr. P. 9020.
- (2) **MOTIONS AND APPLICATIONS REQUIRING NOTICE TO UNITED STATES TRUSTEE AND OBTAINING A STATEMENT OF POSITION OF THE UNITED STATES TRUSTEE PRIOR TO FILING OF MOTION OR APPLICATION WITH THE COURT.** Those motions and applications requiring service on the United States Trustee are enumerated in and governed by Local Bankruptcy Rule 9034-1.
- (3) **MOTIONS REQUIRING NOTICE TO CHAPTER 13 TRUSTEE.** Those motions requiring service on the chapter 13 trustee are enumerated in and governed by Local Bankruptcy Rule 9034-2.

(b) **EMERGENCY MOTIONS.** Where a movant requires expedited treatment of a motion for which notice and a hearing is normally required, the motion must be made as an emergency motion in accordance with Local Bankruptcy Rule 9014-5.

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**9013-7. CONTENT OF ORDER OR REPORT ON NONCONTESTED MATTER.**

After expiration of the last date for serving and filing objections, if no objections have been filed, the moving party shall submit to the court an appropriate order or, if applicable, the report required by Local Bankruptcy Rule 6004-3 or 6007-3. If an order is required, the order shall have attached thereto as Exhibit "A" a file-stamped copy of the notice of motion or notice of intended action and proof of service and shall set forth:

- (a) the date the motion was filed with the clerk;
- (b) a complete and concise statement of the relief to be granted;
- (c) a statement that the moving party has received no pleadings in opposition thereto; and
- (d) a full legal description and any street address for the property if the motion pertains to real property.

**9013-8. SERVICE OF ORDER.**

In all instances and upon receipt of the entered order, the party obtaining the relief shall mail a conformed copy of the entered order to the persons affected by the order and file proof of service with the court no later than the next business day following the date of service.

**RULE 9014. CONTESTED AND EMERGENCY MOTIONS;  
OBJECTIONS AND HEARING**

**9014-1. APPLICABILITY OF RULE.**

This Rule, read in conjunction with Fed. R. Bankr. P. 9014 and Local Bankruptcy Rule 9013, governs motion practice. Unless otherwise ordered by the court, the notice of hearing on motion procedure provided in this Rule shall apply to those motions for which notice and a hearing are required.

**9014-2. CONTENT OF MOTION.**

Unless otherwise provided by rule or order of court, all motions shall be in writing. Each motion filed and served shall be accompanied by:

- (a) a statement of the relief sought and the reasons supporting the request;

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(b) a memorandum of points and authorities upon which the movant is relying;

(c) affidavits or declarations of material facts, as appropriate, which are signed and verified in the manner provided by Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b), or appropriate requests for judicial notice; and

(d) authenticated copies of all other documentary evidence upon which the movant intends to rely.

**9014-3. CONTENT OF NOTICE.**

(a) **HEARING DATE.** Prior to giving notice of a hearing on a motion, the movant shall obtain a hearing date for the motion from the courtroom deputy.

(b) **NOTICE OF HEARING.** When notice to all creditors is required and the matter is governed by Local Bankruptcy Rule 9014, the moving party shall serve with the motion and supporting papers a separate notice which substantially conforms to Local Form CSD 1181, *NOTICE OF MOTION AND HEARING*, or Local Form CSD 1149, *NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN*, and required by Local Bankruptcy Rule 2002-3(b).

(c) **SERVICE.** When notice to all creditors is not required by Fed. R. Bankr. P. 2002, the motion together with accompanying papers shall be served on the debtor, United States Trustee, the trustee, and other parties in interest. The notice shall conform to either Local Case Form CSD 1183 or Local Adversary Form 3015, *NOTICE OF MOTION AND HEARING*, as appropriate.

**9014-4. TIME FOR SERVICE.**

(a) **TIME FOR SERVING MOTION.** Any motion plus all necessary supporting pleadings, shall be served, when required by these rules or the Fed. R. Bankr. P., with the notice of motion as required by Local Bankruptcy Rule 2002-1.

(b) **TIME FOR SERVING OPPOSITION.** Except as otherwise provided by an order shortening time, each party opposing a motion shall serve that opposition together with a memorandum of points and authorities on the movant's counsel, or, if none, the movant not later than fourteen (14) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have seventeen (17) days to serve such opposition as provided by Fed. R. Bankr. P. 9006(f).

(c) **TIME FOR SERVING OPPOSITION TO MOTION FOR APPROVAL OF DISCLOSURE STATEMENT AND MOTION FOR CONFIRMATION OF PLAN.** Except as otherwise provided by an order shortening time, each party opposing a motion for approval of a

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disclosure statement or a motion for confirmation of a plan shall serve that opposition on the movant's counsel, or, if none, the movant not later than twenty-five (25) days after service of the notice of motion, if personally served. If served by mail, opposing party shall have twenty-eight (28) days as provided by Fed. R. Bankr. P. 9006(f).

(d) **REPLY MEMORANDUM OF POINTS AND AUTHORITIES.** Except as otherwise provided by an order shortening time, any reply memorandum must be filed and received by the adverse party the earlier of seven (7) days after service of the opposition or three (3) court days prior to the date of the hearing. Service may be by facsimile upon prior agreement of the parties or upon court approval. No response to a reply is permitted without court order.

(e) **FAILURE TO FILE OPPOSITION.** Failure to timely file opposition to a motion by any party in interest including the United States Trustee and the chapter 13 trustee may be deemed by the court to be consent to the granting of the motion. Failure to timely file written opposition to a motion may also be deemed by the court to be a waiver of oral argument by the opposing party.

**9014-5. EMERGENCY MOTIONS.**

(a) When emergency relief is sought, the moving party shall personally serve written pleadings on parties or counsel for parties in interest including the United States Trustee or, if the parties or counsel are outside of the Southern District of California, then serve the pleadings by Express or Overnight Mail, and notify them telephonically of the movant's intention to seek emergency relief.

(b) A declaration must accompany any emergency motion, indicating what notice was given to parties in interest and whether any noticed party plans to oppose the relief requested.

(c) The emergency motion, declaration, and order for the relief requested should be filed in the clerk's office with a note that it be directed to the judge's law clerk. The word "Emergency" shall appear in the caption of all emergency motions and orders thereon.

(d) Any party in interest who opposes the emergency motion shall immediately notify the judge's law clerk of this position by telephone. No opposition shall be filed to the emergency motion unless the court otherwise directs.

(e) The court reserves discretion to grant or deny an emergency motion without further hearing. A denial without a hearing is not a disposition on the merits.



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(f) The presentation to the court of unnecessary emergency motions, or the failure to comply fully with this Rule, may subject the offender to discipline, including the imposition of costs and attorney's fees. Such sanctions may be awarded regardless of the ultimate determination of the merits of the action when later heard as a fully noticed matter.

**9014-6. ORDERS ON CONTESTED MATTERS.**

Fed. R. Bankr. P. 7054 and Local Bankruptcy Rule 7054 govern the preparation of orders following hearing on a contested matter.

**9014-7. NOTIFICATION OF COURTROOM DEPUTY OF MATTERS TO BE WITHDRAWN, SETTLED OR DISMISSED.**

(a) **REQUIRED NOTICE.** For all matters or proceedings that have been calendared for hearing or conference, it is the duty of the attorney for the moving party to promptly advise the parties in interest and the judge's courtroom deputy by telephone of:

- (1) matters or proceedings that have been settled by stipulation of the parties;
- (2) matters or proceedings that have been or are being dismissed; and
- (3) submit for filing the proper pleading disposing of the matter within ten (10) days.

(b) **SANCTIONS.** Failure to comply with subsection (a) of this rule subjects the offender, at the discretion of the Court, to appropriate discipline, including the imposition of costs, attorney's fees, and court reporter costs as appropriate.

[The Next Rule is 9018]

**RULE 9018. FILING OF SECRET, CONFIDENTIAL,  
SCANDALOUS, OR DEFAMATORY DOCUMENTS  
UNDER SEAL**

**9018-1. CONTENT OF MOTION AND ORDER.**

A motion to file documents or pleadings containing secret, confidential, scandalous or defamatory matter under seal may be made ex parte pursuant to Local Bankruptcy Rule 9013-6(a)(1)(H). The ex parte motion shall be accompanied by an order which sets forth the term, if any, of the sealing as well as a general description, by title, of the documents or pleadings to be filed under seal. The order shall be placed in the court file for public inspection.

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**9018-2. FILING DOCUMENTS UNDER SEAL.**

All documents or pleadings filed under seal shall contain the following legend to be contained on the face page of the document or pleading two (2) lines under the department listed for any hearing, or if no hearing has been scheduled, two (2) lines under the title of the document or pleading:

*"THIS DOCUMENT IS FILED UNDER SEAL PURSUANT TO COURT ORDER."*

**9018-3. RETURN OF DOCUMENTS UNDER SEAL.**

Documents filed under seal will be returned to the party submitting them upon entry of the final judgment or termination of the appeal, if any, unless otherwise ordered by the court.

**RULE 9019. COMPROMISE AND SETTLEMENT  
OF CONTROVERSY**

**9019-1. NOTICE TO ALL CREDITORS.**

Unless otherwise ordered by the court for cause shown, a stipulation, settlement, or compromise of a controversy may be approved by the court only after timely notice by the trustee or debtor-in-possession as provided by Local Bankruptcy Rules 2002-2(c) and 2002-4. The notice shall describe the nature of the controversy, the terms of the settlement and the financial impact upon the estate, if any. A copy of the notice and proof of service shall be attached as Exhibit "A" to any proposed order.

**RULE 9020. CONTEMPT PROCEEDINGS**

Unless otherwise ordered by the court, an application for an order to show cause regarding contempt shall be filed in accordance with Local Bankruptcy Rule 9013-6(a)(1)(I).

[The Next Rule is 9025]

**RULE 9025. SECURITY AND BONDS; DEPOSIT AND APPROVAL**

**9025-1. DEPOSIT OF CASH SECURITY.**

Whenever the security given pursuant to Fed. R. Bankr. P. 7067 or 9025 is in the form of cash, it shall be accompanied by a bond, signed by the principals, and by the order required by Local Bankruptcy Rule 7022. A copy of the order shall be personally served on the clerk or chief deputy clerk.

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**9025-2. SURETY BONDS.**

An individual who executes a bond as a surety shall attach an affidavit which gives the individual's full name, occupation, residence and business addresses, and which demonstrates that the individual owns real or personal property within this district. After excluding property exempt from execution and deducting the individual's liabilities (including those which have arisen by virtue of giving suretyship on other bonds or undertakings), the real or personal property listed in the affidavit must be of a value no less than twice the amount of the bond. Individual surety bonds in excess of \$1,000 shall be approved by a judge. Individual surety bonds of \$1,000 or less, and all corporate surety bonds, shall be approved by the clerk. The bond shall have appended thereto the following statement:

"I hereby approve the foregoing bond.

Dated:

\_\_\_\_\_  
Clerk [or Judge]"

**9025-3. DISBURSEMENT OF FUNDS.**

Local Bankruptcy Rule 7022 governs the disbursement of funds deposited with the court.

[The Next Rule is 9027]

**RULE 9027. REMOVAL AND REMAND**

**9027-1. COMMENCEMENT OF A REMOVAL ACTION.**

A notice of removal pursuant to Fed. R. Bankr. P. 9027 is filed with the bankruptcy court clerk. Pleadings shall be prepared in the manner required by Local Bankruptcy Rule 9004. The court requires:

- (a) the original and two (2) copies of Form B 104, *ADVERSARY PROCEEDING COVER SHEET*, and the complaint;
- (b) the original and two (2) copies of the notice of removal;
- (c) three (3) copies of the additional process and pleadings required by Fed. R. Bankr. P. 9027(a)(1); and
- (d) the original and two (2) copies of the completed Local Form CSD 3007, *SUMMONS IN AN ADVERSARY PROCEEDING*.

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**9027-2. JURY TRIAL.**

If a removal action or answer contains a demand for a jury trial, the words "JURY DEMAND" shall also appear immediately following the title of the document. The words "JURY DEMAND" shall also be noted on the cover sheet required by Local Bankruptcy Rule 9027-1(a). However, notation of the jury demand solely on the cover sheet shall not constitute a demand for jury trial under these rules.

**9027-3. REMAND.**

A motion for remand under Fed. R. Bankr. P. 9027(d) shall be filed with the bankruptcy court clerk. The hearing on the motion shall be governed by Local Bankruptcy Rule 9014 and shall be calendared for hearing before a bankruptcy judge.

**RULE 9028. CONCURRENT JURISDICTION**

**9028-1. CONCURRENT JURISDICTION.**

Each of the bankruptcy judges appointed or assigned to hear cases in this district shall have concurrent district-wide jurisdiction to act in any and all cases and related adversary proceedings under the Bankruptcy Code or the Bankruptcy Act pending in the district.

**9028-2. CONTINUING AUTHORITY.**

The authority of a bankruptcy judge to whom a case has been referred shall not terminate upon conclusion of the case, but shall continue so long as the bankruptcy judge remains in office, unless the reference is expressly revoked.

[The Next Rule is 9034]

**RULE 9034. TRANSMITTAL OF MOTIONS AND APPLICATIONS  
TO THE UNITED STATES TRUSTEE [OR CHAPTER 13  
TRUSTEE] FOR STATEMENT OF POSITION**

**9034-1. MOTIONS AND APPLICATIONS REQUIRING A STATEMENT OF  
POSITION OF THE UNITED STATES TRUSTEE.**

(a) In a chapter 7, 11, or 12 case, the statement of position of the United States Trustee shall be filed with the court along with the original and two (2) copies of the following motions or applications together with proof of service and the proposed order.

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- (1) Motions for extension of time for filing schedules and statements required by Fed. R. Bankr. P. 1007 and Local Bankruptcy Rule 1007 and enumerated in Local Bankruptcy Rule 1007-2(a).
- (2) Applications to employ attorneys or other professionals including appraisers, auctioneers, agents, and brokers by a debtor-in-possession or trustee required by Local Bankruptcy Rules 2014 and 6005.
- (3) Applications for interim compensation of debtors and insiders required by Local Bankruptcy Rule 4002-2.
- (4) Applications for entry of final decree on consummation of a chapter 11 plan and governed by Fed. R. Bankr. P. 3022.

(b) To obtain the statement of position of the United States Trustee, the moving party or applicant shall serve the motion or application, proposed order, and proof of service, together with a self-addressed stamped envelope, on the United States Trustee. The United States Trustee shall review the motion and proposed order and, no later than five (5) business days from the date of service, if personally served, and eight (8) business days from the date of service, if served by mail, serve upon the moving party or applicant a statement of position, if any, with respect to the motion. Upon the receipt of the statement of position, the moving party or applicant may proceed to file the papers with the court. In the event the statement of position is not timely served by the United States Trustee, the moving party or applicant may proceed to file the papers with the court accompanied by a declaration regarding the attempt to obtain the statement of position of the United States Trustee.

**9034-2. MOTIONS REQUIRING A STATEMENT OF POSITION OF THE CHAPTER 13 TRUSTEE.**

(a) In a chapter 13 case, the statement of position of the chapter 13 trustee shall be filed with the court along with the original and two (2) copies of the following motions together with proof of service and the proposed order.

- (1) Motions for extension of time for filing schedules and statements required by Fed. R. Bankr. P. 1007 and Local Bankruptcy Rule 1007.
- (2) Motions for extension of time for filing chapter 13 plan, as governed by Local Bankruptcy Rule 3015-3.
- (3) Motions to sell real or personal property of the debtor, as governed by Fed. R. Bankr. P. 6004.

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(b) To obtain the statement of position of the chapter 13 trustee, the moving party shall submit the motion, along with the proposed order, and a proof of service, to the trustee for review. The trustee shall stamp the back of the motion and proposed order with the date received and, no later than five (5) business days of receipt, file the motion, proposed order and proof of service, along with the trustee's statement of position with the court. If requested by the moving party, the trustee shall receive-stamp a copy of the motion and return it to the moving party when submitted or in a self-addressed stamped envelope provided by the moving party. In the event the statement of position is not timely filed by the trustee, the moving party or applicant may proceed to file the papers with the court accompanied by a declaration regarding the attempt to obtain the statement of position of the chapter 13 trustee.

[End]

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LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT  
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## APPENDIX A

### LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

#### SCHEDULE OF FEES AND SPECIAL CHARGES COLLECTIBLE BY THE CLERK OF THE BANKRUPTCY COURT [28 U.S.C. §1930]

EFFECTIVE DECEMBER 29, 1999

#### Filing Fees:

Chapter 7 Case (\$155 filing fee, \$30 administrative fee, \$15 trustee surcharge) . . . . .	\$ 200.00*
Involuntary Chapter 7 Case (\$155 filing fee, \$30 administrative fee, \$15 trustee surcharge) . . . . .	\$ 200.00
Chapter 13 Case (\$155 filing fee, \$30 administrative fee). . . . .	\$ 185.00*
Chapter 9 Case (\$300 filing fee, \$30 administrative fee). . . . .	\$ 330.00
Chapter 11 Case (\$800 filing fee, \$30 administrative fee). . . . .	\$ 830.00*
Chapter 11 Case involving railroad (\$1000 filing fee, \$30 administrative fee). . . . .	\$1030.00
Chapter 12 Case (\$200 filing fee, \$30 administrative fee). . . . .	\$ 230.00*
Complaint Commencing Adversary Proceeding. . . . .	\$ 150.00*
Motion for Relief from Stay [11 U.S.C. §362(a)] . . . . .	\$ 75.00
Motion to Compel Abandonment of Property by Parties in Interest [FRBP 6007(B)] . . . . .	\$ 75.00
Motion to Withdraw Reference of Case or Proceeding to U.S. District Court [28 U.S.C. §157(d)]. . . . .	\$ 75.00
Motion to Reopen Case . . . . .	See CASE REOPENING FEES below
Amendment to Add or Correct Names and Addresses of Creditors or Equity Security Holders . . . . .	\$ 20.00
Notice of Appeal including Docket Fee (to District Court, Bankruptcy Appellate Panel, or Ninth Circuit Court of Appeals). . . . .	\$ 105.00
Cross Appeal Docket Fee . . . . .	\$ 100.00
Ancillary Petition to a Foreign Proceeding (\$500 filing fee, \$30 administrative fee). . . . .	\$ 530.00

#### Conversion Fees:

For a Case commenced under Chapter 7 and 13 and converted to Chapter 11 at the Request of the Debtor [28 U.S.C. §1930(a)] . . . . .	\$ 400.00*
For a Case commenced under Chapter 12 or 13 and converted to Chapter 7 upon Notice by the Debtor . . . . .	\$ 15.00*
Upon the filing of a Motion to Convert a Case to Chapter 7. (If movant is the trustee, fee shall be paid from assets in the superseded case, if any [28 U.S.C. §1930(a)]). . . . .	\$ 15.00*

#### Division of Joint Case at Request of Debtor Fees:

Chapter 7 or 13 Case . . . . .	\$ 77.50
Chapter 11 Case . . . . .	\$ 400.00
Chapter 12 Case . . . . .	\$ 100.00

#### Case Reopening Fees: (excluding actions related to the debtor's discharge)

##### CODE CASES:

Chapter 7 or 13 Case . . . . .	\$ 155.00*
Chapter 11 Case . . . . .	\$ 800.00*
Chapter 11 Case involving railroad. . . . .	\$1000.00
Chapter 12 Case . . . . .	\$ 200.00*

##### ACT CASES: - same as original fee

\*Only one fee payable for joint petition by husband and wife

APPENDIX A

LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCHEDULE OF FEES AND SPECIAL CHARGES  
COLLECTIBLE BY THE CLERK OF THE BANKRUPTCY COURT  
[28 U.S.C. §1930]

EFFECTIVE DECEMBER 29, 1999

**Miscellaneous Fees:**

Filing and indexing any paper not part of local case. . . . .	\$ 20.00
Registration of judgment entered by another court. . . . .	\$ 20.00
Registration of discharge of debtor granted in another court. . . . .	\$ 20.00
Notice of taking deposition in case from another court. . . . .	\$ 20.00
Photocopy (does not include certification)(per page) . . . . .	\$ .50
Microfiche to paper copy (per page) . . . . .	\$ .50
Microfiche sheets (per sheet when available) . . . . .	\$ 3.00
Certifying any document including Abstract of Judgments . . . . .	\$ 5.00
Abstract of Judgment (including search fee). . . . .	\$ 20.00
Search of record (per name or item searched) . . . . .	\$ 15.00
Retrieval of a record from the Federal Record Center or National Archives. . . . .	\$ 25.00
Reproduction of tape recording (per tape) . . . . .	\$ 15.00
Exemplifications (3 certifications) . . . . .	\$ 10.00
Any check returned for lack of funds. . . . .	\$ 25.00

**Special Charges Collectible from the Estate in Asset Cases:**

Notices (total number of copies mailed per notice) . . . . .	\$ .50
(does not apply to Chapter 7 & 13 cases filed on or after 12-1-92)	
(applies to Chapter 11 notices mailed by the Court prior to 1-1-98)	

**MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO:  
"CLERK, U.S. BANKRUPTCY COURT"**

**Admission to Practice in United States District Court under  
U.S. District Court Local Rule 83.3(effective December 18, 1996):**

Full Admission (\$50.00 fee, balance to the Library and Pro Bono Funds) . . . . .	\$ 80.00
Pro Hac Vice Application (first application) . . . . .	\$ 80.00

**MAKE ALL CHECKS FOR ADMISSION FEES PAYABLE TO:  
"CLERK, U.S. DISTRICT COURT"**



## APPENDIX B

### LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

#### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
1.1(a) . . . . . Modified by . . . . .	1001-1
1.1(b) . . . . . Modified by . . . . .	1001-2(b)
1.1(c) . . . . . Modified by . . . . .	1001-2(a)
1.1(d) . . . . .	Applies
1.1() . . . . . Modified by . . . . .	1001-4
1.2(a) . . . . .	Not Applicable
1.2(b) . . . . .	Not Applicable
3.1 . . . . . Modified by . . . . .	7003-1(a), 9027-1(a)
3.2 . . . . .	Not Applicable
4.1(a) . . . . .	Applies
4.1(b) . . . . . Modified by . . . . .	7041-2
4.1(c) . . . . .	Applies
4.1(d) . . . . . Modified by . . . . .	7004-1(a), 7005-1
4.5 . . . . . Modified by . . . . .	Appendix A
5.1(a) . . . . . Modified by . . . . .	9004-3(a)
5.1(b) . . . . . Modified by . . . . .	9004-3(l)
5.1(c) . . . . .	Not Applicable
5.1(d) . . . . . Modified by . . . . .	1007-2(a), 9004-3(j)
5.1(e) . . . . . Modified by . . . . .	9004-3(i)
5.1(f) . . . . .	Not Applicable
5.1(g) . . . . . Modified by . . . . .	7003-1
5.1(h) . . . . .	Applies
5.1(i)(1) . . . . . Modified by . . . . .	9004-3(m)
5.1(i)(2) . . . . .	Not Applicable
5.1(i)(3) . . . . .	Applies
5.1(i)(4) . . . . . Modified by . . . . .	9004-3(n)
5.1(i)(5) . . . . . Modified by . . . . .	9004-3(m)(8)
5.1(j)(1) . . . . . Modified by . . . . .	9004-3(d)(1) to (4)
5.1(j)(2) . . . . . Modified by . . . . .	9004-3(d)(5)
5.1(j)(3) . . . . . Modified by . . . . .	7003-2, 9004-4, 9027-2
5.1(j)(4) . . . . . Modified by . . . . .	7041-1, 9004-3(b) 9004-4(a)(4)
5.1(k) . . . . . Modified by . . . . .	7012
5.1(l) . . . . .	Applies
5.2 . . . . . Modified by . . . . .	9006-3
5.3 . . . . . Modified by . . . . .	5005
5.3(a)(1) . . . . . Modified by . . . . .	5005-1(a)
5.3(a)(2) . . . . . Modified by . . . . .	5005-1(b)
5.3(a)(3) . . . . . Modified by . . . . .	5005-1(c)
5.3(b) . . . . . Modified by . . . . .	5005-2
5.3(c) . . . . . Modified by . . . . .	5005-3
5.3(d) . . . . . Modified by . . . . .	5005-4
5.3(e) . . . . . Modified by . . . . .	5005-5
7.1(a) . . . . .	Applies
7.1(b) . . . . . Modified by . . . . .	9006-1(e)
7.1(c) . . . . . Modified by . . . . .	9006-1
7.1(d)(1) . . . . .	Applies

# APPENDIX B

## LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
7.1(d)(2) .....	Not Applicable
7.1(d)(3) .....	Not Applicable
7.1(e)(1) ..... Modified by .....	2002-1(b), 9006-1(e), 9013-3, 9014-3, 9014-4(a)
7.1(e)(2) ..... Modified by .....	9013-4, 9014-4(b)
7.1(e)(3) ..... Modified by .....	9013-5, 9014-4(d)
7.1(e)(4) .....	Not Applicable
7.1(e)(5) .....	Not Applicable
7.1(e)(6) ..... Modified by .....	9006-1(f)
7.1(e)(7) .....	Not Applicable
7.1(e)(8) .....	Not Applicable
7.1(f)(1) ..... Modified by .....	9013-2, 9014-2
7.1(f)(2)(a) ..... Modified by .....	9013-2, 9014-2
7.1(f)(2)(b) .....	Applies
7.1(f)(3)(a) .....	Applies
7.1(f)(3)(b) .....	Applies
7.1(f)(3)(c) ..... Modified by .....	9014-4(e)
7.1(g)(1) ..... Modified by .....	9014-7
7.1(g)(2) ..... Modified by .....	9014-7
7.1(g)(3) .....	Not Applicable
7.1(h) ..... Modified by .....	9006-2
7.1(i)(1) .....	Applies
7.1(i)(2) .....	Not Applicable
7.1(j) ..... Modified by .....	9006-1(d)
7.2(a) .....	Applies
7.2(b) ..... Modified by .....	9004-3(g)
7.2(c) ..... Modified by .....	9004-3(e)
8.2 .....	Not Applicable
9.2 .....	Not Applicable
11.1 .....	Not Applicable
12.1 ..... Modified by .....	9006-1(f)
15.1 .....	Applies
16.1(a)(1) .....	Applies
16.1(a)(2) .....	Not Applicable
16.1(b) .....	Applies
16.1(c) .....	Not Applicable
16.1(d) ..... Modified by .....	7016-5
16.1(e) .....	Not Applicable
16.1(f)(1) ..... Modified by .....	7016-3
16.1(f)(2) .....	Not Applicable
16.1(f)(3)(a) .....	Not Applicable
16.1(f)(3)(b) ..... Modified by .....	7016-9(c)
16.1(f)(3)(c) ..... Modified by .....	7016-9(e)
16.1(f)(3)(d) ..... Modified by .....	7016-9(g)
16.1(f)(4) .....	Not Applicable
16.1(f)(5)(a) ..... Modified by .....	7016-7(a)

## APPENDIX B

### LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

#### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
16.1(f)(5)(b) . . . . .	Modified by . . . . . 7016-7(b)
16.1(f)(5)(c) . . . . .	Modified by . . . . . 7016-7(c)
16.1(f)(5)(d) . . . . .	Modified by . . . . . 7016-7(d)
16.1(f)(6)(a) . . . . .	Modified by . . . . . 7016-8(a)
16.1(f)(6)(b) . . . . .	Modified by . . . . . 7016-8(b)
16.1(f)(6)(c) . . . . .	Modified by . . . . . 7016-8(c)
16.1(f)(6)(d) . . . . .	Modified by . . . . . 7016-8(d)
16.1(f)(6)(e) . . . . .	Not Applicable
16.1(f)(7)(a) . . . . .	Modified by . . . . . 7016-9(a)
16.1(f)(7)(b) . . . . .	Modified by . . . . . 7016-9(a)
16.1(f)(7)(c) . . . . .	Modified by . . . . . 7016-9(b)
16.1(f)(7)(d) . . . . .	Modified by . . . . . 7016-9(d)
16.1(f)(8) . . . . .	Modified by . . . . . 7016-10
16.1(f)(9) . . . . .	Modified by . . . . . 7016-11
16.1(f)(10)(a) . . . . .	Modified by . . . . . 7016-12(a)
16.1(f)(10)(b)(1) . . . . .	Modified by . . . . . 7016-12(b)
16.1(f)(10)(b)(2) . . . . .	Modified by . . . . . 7016-12(c)
16.1(f)(10)(c) . . . . .	Modified by . . . . . 7016-12(d)
16.1(f)(10)(d) . . . . .	Modified by . . . . . 7016-12(e)
16.2 . . . . .	Not Applicable
16.3 . . . . .	Not Applicable
16.4 . . . . .	Modified by . . . . . 7040-6
16.5(a) to (g) . . . . .	Not Applicable
16.5(h) . . . . .	Modified by . . . . . 7016-6(e)
16.5(i) . . . . .	Modified by . . . . . 7016-6(a)
16.5(j) . . . . .	Not Applicable
16.5(k) . . . . .	Modified by . . . . . 7016-2(a)
16.5(l)(1) . . . . .	Not Applicable
16.5(l)(2) . . . . .	Modified by . . . . . 7041-2
16.5(l)(3) . . . . .	Modified by . . . . . 9006-1(f)
16.5(l)(4) . . . . .	Modified by . . . . . 7041-2, 7055
16.5(l)(5) . . . . .	Not Applicable
16.5(l)(6) . . . . .	Not Applicable
16.5(l)(7) to (11) . . . . .	Not Applicable
16.6 . . . . .	Not Applicable
17.1(a) . . . . .	Applies
17.1(b) . . . . .	Applies
17.1(c) . . . . .	Applies
23.1 . . . . .	Not Applicable
24.1 . . . . .	Not Applicable
26.1(a) . . . . .	Modified by . . . . . 7026-2
26.1(b) . . . . .	Modified by . . . . . 7026-3
26.1(c) . . . . .	Modified by . . . . . 7026-4
26.1(d) . . . . .	Not Applicable
26.1(e) . . . . .	Not Applicable
26.1(f) . . . . .	Modified by . . . . . 7026-1
28.1(a) . . . . .	Not Applicable

# APPENDIX B

## LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
28.1(b)(1) .....	Not Applicable
28.1(b)(2) .....	Applies
30.1(a) .....	Modified by .....
30.1(b) .....	Modified by .....
30.1(c) .....	Modified by .....
30.1(d) .....	Modified by .....
33.1(a) .....	Modified by .....
33.1(b) .....	Modified by .....
33.1(c) .....	Modified by .....
33.1(d) .....	Modified by .....
34.1 .....	Modified by .....
36.1(a) .....	Not Applicable
36.1(b) .....	Modified by .....
36.1(c) .....	Modified by .....
36.1(d) .....	Modified by .....
38.1 .....	Modified by .....
40.1(a) .....	Applies
40.1(b) .....	Applies
40.1(c) .....	Applies
40.1(d) .....	Modified by .....
40.1(e) .....	Modified by .....
40.1(f) .....	Modified by .....
40.1(g) .....	Modified by .....
40.1(h) .....	Modified by .....
40.1(i) .....	Not Applicable
41.1(a) .....	Modified by .....
41.1(b) .....	Applies
47.1 .....	Modified by .....
48.1 .....	Modified by .....
51.1(a) .....	Modified by .....
51.1(b) .....	Modified by .....
51.1(c) .....	Modified by .....
51.1(d) .....	Modified by .....
52.1(a)(1) .....	Modified by .....
52.1(a)(2) .....	Applies
52.1(a)(3) .....	Not Applicable
52.1(b)(1) .....	Modified by .....
52.1(b)(2) .....	Applies
52.1(b)(3) .....	Applies
53.1 .....	Not Applicable
54.1(a) .....	Modified by .....
54.1(b) .....	Modified by .....
54.1(c) to (j) .....	Applies
55.1 .....	Modified by .....
65.1.1(a) to (c) .....	Modified by .....
65.1.2(a) .....	Applies
65.1.2(b) .....	Applies

# APPENDIX B

## LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
65.1.2(c) . . . . .	Applies
65.1.2(d) . . . . .	Applies
65.1.2(e) . . . . . Modified by . . . . .	9025-2
65.1.2(f) . . . . .	Applies
65.1.2(g) . . . . .	Applies
65.1.2(h) . . . . .	Applies
66.1 . . . . .	Not Applicable
67.1(a) . . . . . Modified by . . . . .	7022-2, 9025-3
67.1(b) . . . . .	Applies
67.1(c) . . . . . Modified by . . . . .	7022-1
67.1(d)1 . . . . .	Applies
67.1(d)(2) . . . . . Modified by . . . . .	7022-1
72.1 . . . . .	Not Applicable
72.2 . . . . .	Not Applicable
73 . . . . .	Not Applicable
74 . . . . .	Not Applicable
77.1 . . . . .	Not Applicable
77.2 . . . . .	Applies
77.4 . . . . .	Applies
77.6 . . . . .	Applies
79.1 . . . . . Modified by . . . . .	7016-13
79.2(a) . . . . .	Applies
79.2(b) . . . . . Modified by . . . . .	9018-3
83.1(a) . . . . .	Applies
83.1(b) . . . . .	Applies
83.2 . . . . .	Applies
83.3 . . . . .	Applies by Reference in 9010-1
83.3(a) . . . . .	Applies
83.3(b) . . . . .	Applies
83.3(c)(1) . . . . .	Applies by Reference in 9010-2
83.3(c)(2) . . . . .	Applies
83.3(c)(3) . . . . .	Applies
83.3(c)(4) . . . . .	Not Applicable
83.3(c)(5) . . . . .	Applies by Reference in 9010-3
83.3(c)(6) . . . . .	Applies
83.3(d) . . . . .	Applies
83.3(e) . . . . .	Applies
83.3(f) . . . . .	Modified by 9004-2
83.3(g) to (j) . . . . .	Applies
83.3(k) . . . . . Modified by . . . . .	1002-1(a)
83.4 . . . . .	Applies
83.5 . . . . .	Applies
83.6 . . . . .	Applies
83.7(a) . . . . . Modified . . . . .	6004.2-(b)
83.7(b) . . . . .	Applies
83.7(c) . . . . .	Applies
83.7(d) . . . . .	No Applicable

## APPENDIX B

### LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

#### CROSS-REFERENCE TABLE

District Court <u>Local Rule</u>	Bankruptcy Court <u>Local Rule</u>
83.8 .....	Not Applicable
83.9 .....	Applies
83.10 ..... Modified by .....	7040
83.11(a) ..... Modified by .....	1002-1(b)
83.11(b) .....	Applies
HC.1 .....	Not Applicable
HC.2 .....	Not Applicable
HC.3 .....	Not Applicable
A.1 .....	Not Applicable
B.1 .....	Not Applicable
C.1 .....	Not Applicable
E.1 .....	Not Applicable
F.1 .....	Not Applicable
Criminal Rules 1.1 thru 58.2 .....	Not Applicable

## APPENDIX C

### FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>Number</u>	<u>Title</u>	<u>Reference</u>
B 1	VOLUNTARY PETITION (Single sided reproduction only)	LBR 1007-2(a)
B 104	ADVERSARY PROCEEDING COVER SHEET	LBR 7003-1(a)(1) LBR 9027-1(a)
CSD 1006	APPLICATION TO PAY FILING FEES IN INSTALLMENTS	LBR 1006-2 LBR 1007-2(a)(1)
CSD 1007	SPECIAL REQUIREMENTS FOR MAILING ADDRESSES	LBR 1007-1
CSD 1008	VERIFICATION OF CREDITOR MATRIX	LBR 1007
CSD 1009	DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR (Single sided reproduction only)	FRBP 2016(b)
CSD 1050	SUBPOENA FOR RULE 2004 EXAMINATION	LBR 2004-1(b)
CSD 1051	SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE	FRBP 9016
CSD 1099	BALANCE OF SCHEDULES AND/OR CHAPTER 13 PLAN	
CSD 1100	AMENDMENT	LBR 1009-2
CSD 1101	NOTICE TO CREDITORS OF THE ABOVE-NAMED DEBTOR ADDED BY AMENDMENT	LBR 1009-2
CSD 1105	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 11	LBR 1017-2(a)(1)
CSD 1106	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 12	LBR 1017-2(a)(1)
CSD 1107	ORDER CONVERTING CASE UNDER CHAPTER 7 TO CASE UNDER CHAPTER 13	LBR 1017-2(a)(1)
CSD 1108	ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7	LBR 1017-2(a)(1)
CSD 1109	ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 12	LBR 1017-2(a)(1)
CSD 1119	SUMMONS TO DEBTOR IN INVOLUNTARY CASE	FRBP 1004 FRBP 1010
CSD 1129	NOTICE OF CONVERSION OF CASE UNDER CHAPTER 13 TO A CASE UNDER CHAPTER 7 BY DEBTOR	LBR 1017-2(b)(2)
CSD 1143	FEE APPLICATION SUMMARY (EXHIBIT "A")	LBR 2016-2(b)

## APPENDIX C

### FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>Number</u>	<u>Title</u>	<u>Reference</u>
CSD 1144	ORDER APPROVING (INTERIM)(FINAL) APPLICATION OF (APPLICANT) FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES (Single sided reproduction only)	LBR 2016-4
CSD 1148	REQUEST FOR SPECIAL CHARGES BY CHAPTER 11 PLAN PROPONENT	LBR 3020-1
CSD 1149	NOTICE OF HEARING AND MOTION FOR APPROVAL OF DISCLOSURE STATEMENT, PLAN, OR MODIFIED PLAN	LBR 2002-3(b)(2) LBR 3015-7(b) LBR 9014-3(b)
CSD 1151	SUMMARY OF BALLOTING ON CHAPTER 11 PLAN DATED	LBR 3018-2
CSD 1160	MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-2(a)
CSD 1161	OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-3(a)
CSD 1162	ORDER ON NONCONTESTED MOTION FOR RELIEF FROM STAY (REAL PROPERTY/PERSONAL PROPERTY) (Single sided reproduction only)	LBR 4001-5(a)
CSD 1163	MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER) (Single sided reproduction only)	LBR 4001-2(a)
CSD 1165	ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY (UNLAWFUL DETAINER) (Single sided reproduction only)	LBR 4001-5(a)
CSD 1170	NOTICE OF MODIFIED CHAPTER 13 PLAN <u>PRIOR</u> TO CONFIRMATION	LBR 3015-7(a) LBR 3015-8(b)(1)
CSD 1172	OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN (See CSD 1173 for Notice)	LBR 3015-4
CSD 1173	NOTICE OF HEARING ON OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN	LBR 3015-8(b)(1) LBR 3015-9
CSD 1174	REQUEST BY DEBTOR FOR DISMISSAL OF CHAPTER 13 AND ORDER	LBR 1017-2(b)(1)
CSD 1180	NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING (for notice to all creditors)	LBR 2002-2(c)



## APPENDIX C

### FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>Number</u>	<u>Title</u>	<u>Reference</u>
CSD 1181	NOTICE OF MOTION AND HEARING AND EXHIBIT "A" (for notice to all creditors) <b>NOTE:</b> Exhibit "A" is required with all notices of fee hearings.	LBR 2002-3(b)(1) LBR 9014-3(b)
CSD 1182	NOTICE OF MOTION FOR (DESCRIPTION OF ACTION) (for notice to less than all creditors)	LBR 5010-1 LBR 9013-3(a)
CSD 1183	NOTICE OF MOTION AND HEARING (for notice to less than all creditors)	LBR 9014-3(c)
CSD 1184	REQUEST AND NOTICE OF HEARING	LBR 2002-2(d) LBR 9013-4
CSD 1185	NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY	LBR 4001-2(c) LBR 4001-8
CSD 1186	REQUEST FOR HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND NOTICE OF HEARING	LBR 4001-3
CSD 1190	NOTICE OF ENTRY (CASE)	LBR 7054-3(b)(2)
CSD 1229	REAFFIRMATION AGREEMENT (See CSD 1231 for Notice)	11 USC §524(c) LBR 4008
CSD 1230	INSTRUCTIONS TO UNREPRESENTED DEBTORS REGARDING THE REAFFIRMATION OF A DEBT [See CSD 1231 for Notice]	LBR 4008-1
CSD 1231	NOTICE OF HEARING ON AGREEMENT TO REAFFIRM A DEBT	LBR 4008
CSD 1490	ORDER REOPENING ESTATE	LBR 5010-2
CSD 1514	GUIDELINES FOR THE SUBSTANTIVE CONSOLIDATION OR JOINT ADMINISTRATION OF RELATED DEBTOR ENTITIES	FRBP 1015
CSD 1546	ATTORNEY CHANGE OF INFORMATION FORM	LBR 9010-4
CSD 1800	ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS	G.O. 162
CSD 1801	DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS AND/OR AMENDMENT	G.O. 162
CSD 2015	OBJECTION TO CLAIM AND NOTICE THEREOF	LBR 3007-2(a)
CSD 2018	REPORT OF ABANDONMENT OF REAL PROPERTY	LBR 6007-3(a)(2)
CSD 2024	REPORT OF SALE	LBR 6004-3(a)(1)
CSD 2044	APPLICATION TO EMPLOY AUCTIONEER	LBR 6005-1(a)

## APPENDIX C

### FORMS REQUIRED BY THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>Number</u>	<u>Title</u>	<u>Reference</u>
CSD 2045	ORDER APPOINTING AUCTIONEER	LBR 6005-1(a)
CSD 3007	SUMMONS IN AN ADVERSARY PROCEEDING	LBR 7003-1(a)(2) LBR 7004-1 LBR 9027-1(d)
CSD 3008	THIRD-PARTY SUMMONS IN AN ADVERSARY PROCEEDING	FRBP 7014
CSD 3009	SUBPOENA IN AN ADVERSARY PROCEEDING	FRBP 9016
CSD 3010	PROOF OF SERVICE (ADVERSARY)	LBR 9006-3(c)
CSD 3015	NOTICE OF MOTION AND HEARING (ADVERSARY)	LBR 9014-3(c)
CSD 3021	PRE-TRIAL ORDER (Single sided reproduction only)	LBR 7016-9(b)
CSD 3026	LIST OF EXHIBITS SUBMITTED BY ATTORNEY	LBR 7016-9(e)
CSD 3029	JUDGMENT BY DEFAULT (See CSD 3030 for Request to Enter Default)	FRBP 7055 LBR 7055-1
CSD 3030	REQUEST TO ENTER DEFAULT	LBR 7055-1(a)
CSD 3050	NOTICE OF ENTRY OF JUDGMENT OR ORDER	LBR 7054-3(b)(2)
CSD 3054	CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT	LBR 7069-4
CSD 3060	APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION AND ORDER THEREON	LBR 7069-1
CSD 3066	BILL OF COSTS	LBR 7054-5(b)
CSD 4000	APPLICATION TO JOIN COMPENSATED MEDIATION PANEL	LBR 7016-6(c)
CSD 4001	APPLICATION TO JOIN VOLUNTARY MEDIATION PANEL	LBR 7016-6(b)
CSD 4002	ORDER APPOINTING MEDIATOR AND ASSIGNMENT TO MEDIATION	LBR 7016-6(e)(2)
CSD 4003	CASE QUESTIONNAIRE IN CONNECTION WITH MEDIATION PROCEDURE	LBR 7016-6(f)(2)
CSD 4004	MEDIATOR'S CERTIFICATE OF COMPLIANCE	LBR 7016-6(g)(2)